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EDITORIAL COMMENT

EDITED BY RUSSELL FORBES

The battle for city manager government is not won when a charter is adopted. This is well illustrated by the present political situation in Rochester, as reported by the Rochester Bureau of Municipal Research:

The City Manager League, an organization of citizens non-partisan in character, which was active in putting across the charter in 1925, recently approved a list of eighteen candidates for election to the first council of nine under the city manager government which becomes effective January 1, 1928. This list of eighteen represents a fair cross-section of the community both from the standpoint of political complexion and financial position.

The Democrats in picking their slate of nine for the primaries chose five from this approved list. The Republican party is split wide open into two factions, the regular Republicans and the independent Republicans. The regular Republicans, headed by the county clerk, who has been the political boss since the passing of George Aldridge, ignored the approved list entirely and picked nine men who may be regarded as inimical to the plan. The independent Republicans, a group including many city manager advocates, have picked a slate composed entirely of men named by the City Manager League.

Inasmuch as Rochester is a Republican stronghold, the real issue of the election centers in the Republican primaries. The outcome will determine to a very large extent whether the first council is to be entirely in sympathy with or entirely opposed to the plan of government under its control. If the independent Republicans are victorious the citizens are assured of a favorable council whatever the outcome of the November election. If the regular Republicans are successful in the primaries they have a very strong chance of carrying the November election with their entire slate.

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Progress in Housing Legislation

After several years of agitation by the Pennsylvania Housing and Town Planning Association, various civic organizations, and state officials, the legislature enacted this year a law which permits any city, borough or first-class township of Pennsylvania to "regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings used for human habitation." For years city councils have been in doubt as to their authority over housing matters; consequently, the cities have done little. This law removes all doubt of the city's control over housing, and at the same time places the responsibility squarely upon local officials.

New York City has recently passed an amendment to its charter which permits the city to construct and lease residence buildings on land acquired by excess condemnation. Several street-widening projects are under way or contemplated in the lower East-side of

Manhattan. It is proposed to condemn a strip of land on either side of the street in excess of that required for the widening and to use such land for the construction of modern tenements, to be leased at moderate rentals. The responsibility for such housing projects will be vested in the sinking fund commission.

The article in this issue by George B. Ford on "Standards for Improved Housing Laws" is therefore timely and pertinent. Mr. Ford is vice president of the Technical Advisory Corporation and also past president of the International Federation for Town Planning and Housing. From the wealth of his experience, Mr. Ford points out the minimum requirements for various classes of dwellings to insure proper living conditions. His suggestions are presented in summary form for ready use by cities which are considering a revision of their housing laws.

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The U. S. Supreme Court Speaks on Racial Equality

White supremacy at the polls has been maintained in the South by various legal and extra-legal measures. Generally, the state executive committee of the political parties has been the final arbiter of the qualifications of primary electors. Texas, however, went a step further by enacting a law which debarred negroes from participation in primary elections and which declared that any ballot cast by a negro in a primary election should be void. Since the Democratic primary is the real election in Texas, this law was intended in effect to disfranchise the negro. When this law was declared by the U. S. Supreme Court to be a violation of the fourteenth amendment, the Texas legislature passed a substitute measure similar to that in force in other southern states, which authorizes the executive committee of the party to prescribe election qualifications for its members. Professor Pate in his article on "The Texas White Primary Law" predicts that this, too, will be invalidated by the U. S. Supreme Court when it comes before that tribunal.

Of interest in this connection is another recent decision of the U. S. Supreme Court on racial discrimination in zoning. The city of New Orleans passed an ordinance some time ago, under permissive state legislation, which barred negroes from residence in predominantly white communities where a majority of the white residents had not given their consent in writing. Although at the same time prohibiting a white person from residence in a negro community without majority consent of the negro residents, the ordinance was obviously aimed to keep negroes in their own "zones." The ordinance was declared unconstitutional by the court which cited its decision in *Buchanan* v. *Warley*, a case arising in Louisville in 1917. This decision will permit negroes legally to pick and choose any residential section of New Orleans in which to abide.

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Citizen Participation in Government

Many towns and cities could well take a cue from the experience of Harrison, N. Y. Finding itself enmeshed in the errors of omission and commission of preceding administrations, the present administration turned to its citizens for advice and aid. Harrison is a town composed largely of commuters, many of whom are notedly successful in various business fields. Its finance committee, headed by Carl H. Pforzheimer, is a non-official group which works with and advises the town board in the solution of its administrative problems. The description of its methods and the results accomplished,

as discussed by the committee's research secretary will be interesting and suggestive to other cities and citizens.

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An Industrial City Built to Order

The wisdom of the saying "get them young" could scarcely be better illustrated than by the results of town planning in Kingsport, Tennessee. The story of Kingsport's development is told by John Nolen, the distinguished landscape architect and town planner, in a recent issue of *The American Review of Reviews*. In 1912 two farm houses comprised the only human habitations on the present site of Kingsport. In 1915 a new railroad penetrated that district and made necessary the establishment there of a railroad center. Today it has become a live city of over 10,000 population.

A large Portland cement company soon established its headquarters and factory in Kingsport. Eight other large industrial concerns followed suit. All of these interests combined to form the Kingsport Improvement Corporation. The corporation wisely employed the services of John Nolen as town planner and Clinton Mackenzie as architect. Homes designed according to approved housing standards were constructed and sold at cost plus 6 per cent, or leased at very moderate rentals. The typical six-room house was rented at $25 per month. The highest grade houses for salaried executives were sold at about $10,000. Some of the lower priced houses were built according to Mark Twain's plan—with the kitchen in front, permitting the mother to enjoy the passing sights while keeping an eye on her children at play.

All of the industrial interests combined in taking out group insurance for all their workers, male and female. The insurance covered life, health, and accident, and the premiums were paid in all cases by the employing corporation.

The town was carefully zoned. A separate district was established for the negro population; but unlike many colored zones, comfortable houses with modern improvements were provided.

The town government is of the city manager type with a charter modeled on the recommendations of the New York Bureau of Municipal Research.

Kingsport, Tennessee, was thus built to order from the ground up. By starting with a well-defined plan, it has avoided the early mistakes in planning with which so many older towns have been burdened.

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Political Trauma in Fort Myers

A $1,500,000 paving contract has been the storm center of an interesting political situation in Fort Myers, Florida. Major A. B. Cutter, previously manager of the city and now one of the city commissioners, and a distinguished engineer, urged that the contract be awarded to the Southern Paving Company. The other competitive bidder was a local man. Following the award of the contract, the local contractor and his friends aroused a storm of protest. Two of the city commissioners resigned, and a third joined the opposition in placing all the blame upon Major Cutter and his fellow commissioner, Frank Kellow.

A petition for recall of these two commissioners having received a sufficient number of signatures, a recall vote was taken on September 7. But the recall proposal failed to secure a sufficient number of affirmative votes, and Commissioners Cutter and Kellow will therefore remain in office until the end of their term in 1930.

The day following the referendum, the victorious group staged a mock burial ceremony in which the leaders of

the opposition were buried in effigy with fitting funeral orations and elaborate placard announcements.

The whole campaign was conducted with much mud-slinging, and many charges and countercharges, as a result of which the city will probably not recover its poise for some time.

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Vice Crusade Stirs Atlantic City

For some months past the attractions of Atlantic City as a seaside resort and bathing beauty center have been temporarily dimmed by a reform campaign in city politics.

Convinced that the police were conniving with and protecting the underworld element, a group of prominent landowners and civic workers formed the Municipal Research League. The League operated under the auspices of the Chamber of Commerce and joined forces with the Northside Welfare League, a negro organization. Investigators were employed to uncover evidence that the police were receiving "hush money" from the saloons and other vice interests. After submitting the results of his investigation, the chief investigator left the city alleging that his life had repeatedly been threatened.

The Municipal Research League then presented its findings to the grand jury and asked for indictments of several leading city officials and the proprietors of some of the more notorious dives. The grand jury found the evidence to be insufficient for indictment and in its report bitterly condemned the Research League. As we go to press the newspapers report that some of the leaders of the Municipal Research League and the Northside Welfare League have been placed under arrest for conspiracy.

The city officials announce that they are going to reform the reformers. The Research League asserts, however, that its efforts have already reduced crime in Atlantic City, and that it will continue its investigation.

The National Municipal League will hold its 33rd Annual Meeting in New York City November 10 and 11. The sessions will take the form of round tables in which the Governmental Research Conference and the National Association of Civic Secretaries will join. Meetings will be held at the Association of the Bar, 42 West 44th Street. Everyone interested is cordially invited to attend.

The Governmental Research Conference and the National Association of Civic Secretaries will meet individually on November 9 the day preceding the joint sessions.

PUTTING THE CITIZENS TO WORK FOR GOVERNMENT

BY HUBERT W. STONE

Research Secretary, Finance Committee, Harrison, N. Y.

Town officials of Harrison, N. Y., receive expert advice and assistance in budgeting and other administrative problems from a non-official group of citizens called the Finance Committee. :: :: ::

How may the most intelligent citizens be induced to take an active interest in their local government? How may they be persuaded to give to the solution of their civic problems the same thoughtful consideration consistently given to their business enterprises? This is an ever-present problem of suburban communities. The citizens claim that their local officials forget that they are public servants and discourage what they deem meddlesome and intrusive participation in government affairs by citizens and civic organizations. In Harrison, New York, a plan has been devised whereby the latter advise the officials in the administration of government.

Situated in the southern end of Westchester County, twenty-two miles distant from New York City, Harrison is a typical suburban town. Within its boundaries are twenty square miles. The population of 7,000 is concentrated in two sections at opposite ends of the town. The area between these two communities is occupied by large estates, country clubs and small farms. The assessed valuation of the real property is nearly $25,000,000. For general town purposes which includes the support of local administrative agencies, highway maintenance and police protection, $345,000 was appropriated for the current year. To meet the cost of services rendered to special districts, *i.e.* sewage and garbage disposal, light, water supply and fire protection, $185,000 additional was appropriated. The budgets of the five school districts totalled $200,000.

THE ADMINISTRATIVE ORGANIZATION

The governmental organization of Harrison differs in no essential respects from that of other New York towns. The supervisor, elected for a two-year term, is the chief executive. Local legislation is handled by an elective board composed of the supervisor; four justices of the peace, term four years; and the town clerk, term two years. Another important elected official is the receiver of taxes. Until recently there was an elective board of three assessors. The town has several special districts.' The police district includes the whole area of the town and is under the control of three commissioners appointed by the town board. The other special districts are located only in the more thickly populated sections. In each, matters relating to water supply and fire protection are handled by a board of three commissioners also appointed by the local legislative body. Similar boards have supervision over the sewer districts. The town board itself directly supervises the three lighting districts, the two sidewalk districts and the two garbage districts. School boards are elected from the particular districts over which they have jurisdiction.

During the administration immediately preceding 1922 the only record of town expenditures was to be found in the personal check book of the supervisor. No attempt had been made to keep accounting records according to modern bookkeeping methods. No periodic statements of the financial condition of the town had ever been prepared. A "budget system" was unheard of. The tax department had been unpardonably lax in the collection of taxes in arrears, some of which had not been paid since 1896. Altogether 4,600 lots were subject to sale for back taxes.

As has so frequently been the case a local political upheaval was required to introduce desirable changes. Benjamin I. Taylor, an unusually intelligent and capable executive, headed the administration which took office in 1922. Mr. Taylor has been associated with a number of civic reform movements and has served the National Municipal League as a member of the Committee on Municipal Borrowings which drafted the recently published "Model Bond Law." He is now serving his third consecutive term as supervisor. To put the town on a better financial basis, to bring order out of the existing chaos, was the most urgent problem confronting the administration. For the solution of these problems the members of the town board felt that they should enlist the help of their most able electors.

AN ADVISORY COMMITTEE OF CITIZENS IS ORGANIZED

By a resolution the supervisor was empowered to appoint an unofficial body of citizens, to be known as the Finance Committee, to consult with him and the several members of the town board relative to the annual budget, special matters of financial policy and other town affairs. To insure the selection of a nonpartisan committee, wholly unprejudiced by their local political affiliations, the supervisor appointed only the chairman. Carl H. Pforzheimer, a prominent New York financier, was chosen to fill this position. He is well known among those actively engaged in the promotion of better municipal government, having been treasurer of the National Municipal League for the past several years. To work with him, Mr. Pforzheimer selected from the different sections of the town ten other representative citizens distinguished in the fields of finance, law and business, who, with the members of the town board, constitute the personnel of the committee. Of the citizens selected by the chairman, George Arents, Jr., Murray Lee and Franklin Ryan are financiers; Junius Parker, Louis B. Rolston and Frederick Tanner, lawyers; Frederick D. Fremd, landscape engineer; Harry A. Sattler, retired editor and owner of the local paper; and George A. Danner, realtor.

GOVERNMENTAL REFORM UNDER THE COMMITTEE'S GUIDANCE

The efforts of the committee have been rewarded by very practical achievements. At the outset expert advisors from the state comptroller's office and the New York Bureau of Municipal Research were called in to suggest the most direct way and the most expeditious means of leading the town out of the financial morass in which they found it. Under such direction a thoroughgoing budget system was introduced and modern methods of bookkeeping and accounting put into operation.

Proceedings were shortly instituted to foreclose tax liens amounting to $330,000 on the 4,600 lots in the town. To date the number of outstanding liens has been reduced to 1,000, and they will be foreclosed this year.

As has been characteristic of Westchester County communities during the past few years, the building trades have been very active in Harrison. Since some forward looking direction of their activities was necessary, an engineer who had specialized in the field was engaged to study the local situation and to draft a building and zoning ordinance. This was subsequently adopted by the town board and has been rigidly enforced by a competent building inspector.

Students of town government in New York have joined in disapproval of the fee system of compensation. The justices of the peace were paid on this basis until, upon recommendation of the Finance Committee, all fees were taken from them and they were allowed fixed salaries for their services.

Until January 1927, there had been an elective board of three assessors. Due to the rapid development of the town, it was becoming impossible for these part-time officers to discharge their duties efficiently. This was called to the attention of the committee which, after careful consideration, decided to displace the board by one full-time assessor to be appointed by the town board, to serve at its pleasure. This change became effective by a resolution of the board.

For the past three years an accountant has been employed to make current audits and to prepare a monthly statement of the financial status of the town. This promotes careful control by spending agencies in order that no governmental unit will exceed its budget appropriation.

The Finance Committee plays a very important rôle in the budget procedure. By the middle of November the supervisor has at hand a record of the expenditures of the several town officials for the past year and for the current year to date, with detailed estimates of the amounts needed for the coming year. At several meetings of the committee each appropriation is carefully checked over and its approval is given before the final appropriation bill is passed by the town board. The supervisor is usually cognizant of the needs of each department; but when any large increases are asked, or when there is any substantial change to be made in the organization of a unit, those particularly concerned are asked to attend the meeting to supply further information pertinent to the subject. When such consideration is given to fiscal problems, precipitous or ill-advised action is effectively precluded. The service of the committee in this particular field has not only been a matter of local interest but has deservedly attracted the commendation of experts on financial planning and control throughout the state. In 1923 the Special Joint Committee on Taxation and Retrenchment appointed by the State Legislature made a thorough study of county, town and village government. From their report the following paragraph is quoted: [1]

> A unique feature of the budget procedure in the town of Harrison, which the committee wishes particularly to commend, is the Committee on Finance which passes on the requests of the various officers for appropriations and makes recommendations to the town board on financial matters before final action is taken. This committee is composed of the supervisor, the town clerk and a number of unofficial citizens, including men of unusual ability and experience in business—men of the type who generally take no active interest in town government. It was stated to the representative of the committee that the introduction of the budget system and the Committee on Finance had resulted in lowering by many thousands of dollars the appropriations for the coming year and in the decrease of the local tax rate.

The field of coöperation between the town officials and the citizens was not

[1] Legislative Document (1923), No. 55, p. 195.

confined to fiscal matters and the formation of the Finance Committee, but extended into another very important department, that of police. To secure the most efficient police service by removing it from the sphere of politics the chairman of the Finance Committee was asked to suggest the names of three men who would be willing and able to act as police commissioners. Those now serving are Hugh J. Chisolm, a paper manufacturer; William A. Read, Jr., and Douglas Gibbons, both bond brokers. These men have given to their duties the same consideration and thought and have rendered the same distinctive service in that field as the Finance Committee has in fiscal matters.

CONTINUOUS CONTACT WITH THE TOWN OFFICIALS THROUGH A RESEARCH SECRETARY

As with any other plan which might have been devised certain imperfections became apparent. The committee met at irregular intervals and the majority of its members being New York business men were out of intimate contact with local officials. The bulk of the information upon which their judgments were based was supplied by the town officers only at such times as the committee met. This had obvious defects. To overcome these difficulties a research secretary who had had some training and experience in governmental affairs was engaged on behalf of the committee. It devolved upon him to make a careful study of all problems to be considered by the committee and to prepare the necessary reports. While he is not a town official, his services are available when desired by the local officers. He is frequently called upon to do special work for them. By being in daily contact with these officers he has brought about a closer and consequently more helpful coöperation with the Finance Committee.

After a testing period of five years this plan has advanced beyond the stage of experimentation. It has been and continues to be weighed in the balance of service to fellow taxpayers. Officials and committee members are determined that it shall not be found wanting. The experience of the town of Harrison is certainly encouraging evidence that the most intelligent citizens of a suburban community are willing to give of their time and thought to the solution of their town problems.

THE TEXAS WHITE PRIMARY LAW

BY JAMES E. PATE
College of William and Mary

The original act having been declared unconstitutional by U. S. Supreme Court, Texas passes a new law to exclude negroes from primaries. :: :: :: :: :: :: :: :: ::

VARIOUS methods have been devised in the South since the Civil War for maintaining white supremacy at the polls. The introduction of the direct primary has simplified this problem because nomination in the primary is tantamount to election; and the political party is reasonably safe if it regulates the color of those who are allowed to participate in the nomination.

A problem confronting the party is over-zealous regulation on the part of the state. The legislatures of several southern states have presumed that the party has no power to make any rules or regulations, or prescribe any qualification for membership unless that power is specifically delegated by the state. Therefore, we find that the legislatures of five states in the South have specifically granted to the party the power to make its own rules and regulations. Four states—Virginia, North Carolina, Kentucky, and Oklahoma—have adopted reasonable laws for safeguarding the primary by allowing the judges of election to challenge any person who is not honestly seeking to participate as a member in the primary of the particular party. The person challenged is required to take an oath that he is in good faith a member of the party whose candidate he seeks to assist in nominating, and that it is his intention to support the nominees of the party at the general election. The states of Florida, Alabama, Louisiana, and Tennessee have given the state central committee of the party the power to prescribe qualifications for voting in addition to those laid down in the constitution and statutes. The central committee of the political party is of course supposed to know what is this additional qualification. They have usually taken the cue and have passed resolutions making this qualification mean a white democrat. It has remained for the Texas Legislature to presume no such knowledge on the part of the state committee. It is, therefore, prescribed in Article 3107 that "in no event shall a negro be eligible to participate in a Democratic party primary election held in the State of Texas, and should a negro vote in a Democratic primary election such ballot shall be void and election officials shall not count the same."

UPHELD BY DISTRICT COURT

An occasion was presented to the U. S. District Court in April, 1924, to decide the validity of this law when a negro voter brought suit to enjoin the chairman of the Democratic party of Bexar County from enforcing the statute which denied him the privilege of participating in the selection of the party's candidates for state and national offices.[1] The court held that the law was valid as within the police power of the state. The court was of the opinion that the right of a citizen

[1] *Chandler* v. *Neff*, 298 F. 515.

to vote in a primary was not protected by the fourteenth and fifteenth amendments since "primaries," quoting from *U. S.* v. *Newberry*, "are in no sense elections for an office but merely methods by which party adherents agree upon candidates whom they intend to offer and support for ultimate choice by all qualified electors."

DECLARED UNCONSTITUTIONAL BY U. S. SUPREME COURT

The next opportunity for testing the constitutionality of the Texas Primary Law came when a negro democrat of El Paso brought action for $5,000 damages against the judges of election and others for refusing to permit him to vote in a democratic primary. The case was carried to the U. S. Supreme Court on a writ of error.[1] Justice Holmes, speaking for the court, held that the law violated the fourteenth amendment. The opinion is written in Justice Holmes' distinctive style. The fifteenth amendment was not involved in the decision, since sufficient reason was found to set the law aside in that it denied the equal protection of the laws which is guaranteed by the fourteenth amendment. As stated by the court, "the states may do a good deal of classifying, that it is difficult to believe rational, but there are limits, and it is too clear for extended argument that color cannot be made the basis of a statutory classification affecting the right set up in this case."

This decision has excited discussion and two views have been expressed as to the present status of primaries. One view is that the Supreme Court has declared primaries to be elections. This attitude is based on the statement made by the court that, "recovery for damages may be had for wrongful refusal to permit a negro to vote at a primary election on the same grounds that allow recovery for denial of right to vote at final elections, as primary elections may determine final result." The better opinion, however, would seem to be that the Supreme Court has not overruled the definition given to primaries in the Newberry Case, as the court did not declare the Texas law void on account of depriving the negro of the right to vote in an election. It is clear that if the court had intended to overrule the Newberry Case and hold the primary an election the fifteenth amendment would have been used as the chief reason for setting the law aside.

In the light of this case, therefore, it can be said that the federal government has not yet asserted power over state primaries. Neither does the court undertake to determine the color or personnel of the voters in a party primary. It merely decides that the state cannot regulate by law the color of participants. The decision could not have been otherwise in view of a law so clearly discriminatory. It is so regarded by the Texas press.

TEXAS LEGISLATURE PASSES NEW LAW

The fortieth legislature of Texas was in session when the decision of the Supreme Court was announced. It was opportune that the law-making body was in session, according to the thinking of some politicians, so that steps could be immediately taken to protect the democratic primary from negro contamination. Steps were, therefore, taken to place a law on the statute book to take the place of the one which the court's decision had stricken out. The new Texas White Primary Law reads as follows:

> Every political party in this state through its state executive committee shall have the power to prescribe the qualifications of its own mem-

[1] *Nixon* v. *Herndon, et al.*, Supreme Court Reporter, vol. 47, p. 446.

bers and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party; provided, that no person shall ever be denied the right to participate in a primary in this state because of former political views or affiliations or because of membership or non-membership in organizations other than the political party.

As quoted, the law is similar to the statutes of Florida, Alabama, Louisiana, and Tennessee. If the Supreme Court of Louisiana is to be taken as final, a law of this character is good and offers no point of vulnerability.[1] According to the Louisiana court an act of this character could not be attacked as depriving a person of the right to vote or as discriminating indirectly against persons on account of color, because the legislature has not undertaken to fix any political qualifications of voters at a primary, but has "wisely left the matter to the state central committees of the several parties." Neither can the law be set aside as a delegation of legislative power, which is forbidden by the state constitution. For the committees hold such power not by delegation but "virtute officii as being the governing bodies of the political parties. The legislature has simply abstained from interfering, leaving the power where it originally resided and naturally belongs."

REMOVAL OF LEGISLATIVE CONTROL IS AN ALTERNATIVE

This reference to the opinion of the Louisiana court illustrates the point of view of a state court on a law of the same character as the present Texas White Primary Law. Whether the Supreme Court of the United States, if the law is ever tested before that tribunal, will sustain such a point of view is very doubtful. The law is clearly a subterfuge. It endeavors to do indirectly what the Supreme Court has held it cannot do directly. It would seem that the only recourse of the political party if it desires to maintain a lily-white primary is to persuade the legislature to emancipate the party from legislative control. In other words the legislature should neither directly nor indirectly pretend to determine the qualification of participants in primaries. If thus left to party officials it is probable that their decision, as non-agents of the state government in a matter which is of a social nature, would not conflict with the Constitution of the United States. Otherwise a return to the convention system as a means of nominating candidates for office is predicted.

In the meantime the menace of negro domination in the primaries of the South is not real. The political ambition of the negro is not a source of disturbance. As a leading Texas editor observes, they are not interested in politics; at least, Democratic politics. "But if voting a straight ticket is a mark of inward excellence, the fact that an occasional negro wishes to imitate his white neighbor is at once a compliment to him and a testimonial to his good taste."

[1] *State* v. *Michel*, 121 La. 393.

WASHINGTON, D. C., VIA MARYLAND

BY J. BOND SMITH

General Counsel, Maryland—National Capital Park and Planning Commission

Maryland will plan and beautify the approaches to the National Capital through the newly-established Maryland-Washington Metropolitan District. :: :: :: :: :: :: :: ::

MARYLAND'S responsibility and opportunity in the development of the Nation's Capital were strikingly recognized by the 1927 Maryland legislature, which created the Maryland-National Capital Park and Planning Commission and gave it broad powers over the regional development of approximately 141 square miles of Maryland territory in Montgomery and Prince Georges counties adjacent to the District of Columbia. The area in question is incorporated for the purposes of the act under the name of the Maryland-Washington Metropolitan District.

The National Capital has been the subject of special solicitude from the point of view of city planning from the time of its foundation. Major l'Enfant was commissioned by General Washington to lay out a capital city, and did so. Successive administrators have carried the plan into effect abreast of the development of the population. The McMillan Plan for the placing of public buildings has been harmonized with the original scheme, and each decade has seen a distinct advance toward the making of Washington the most beautiful capital city in the world.

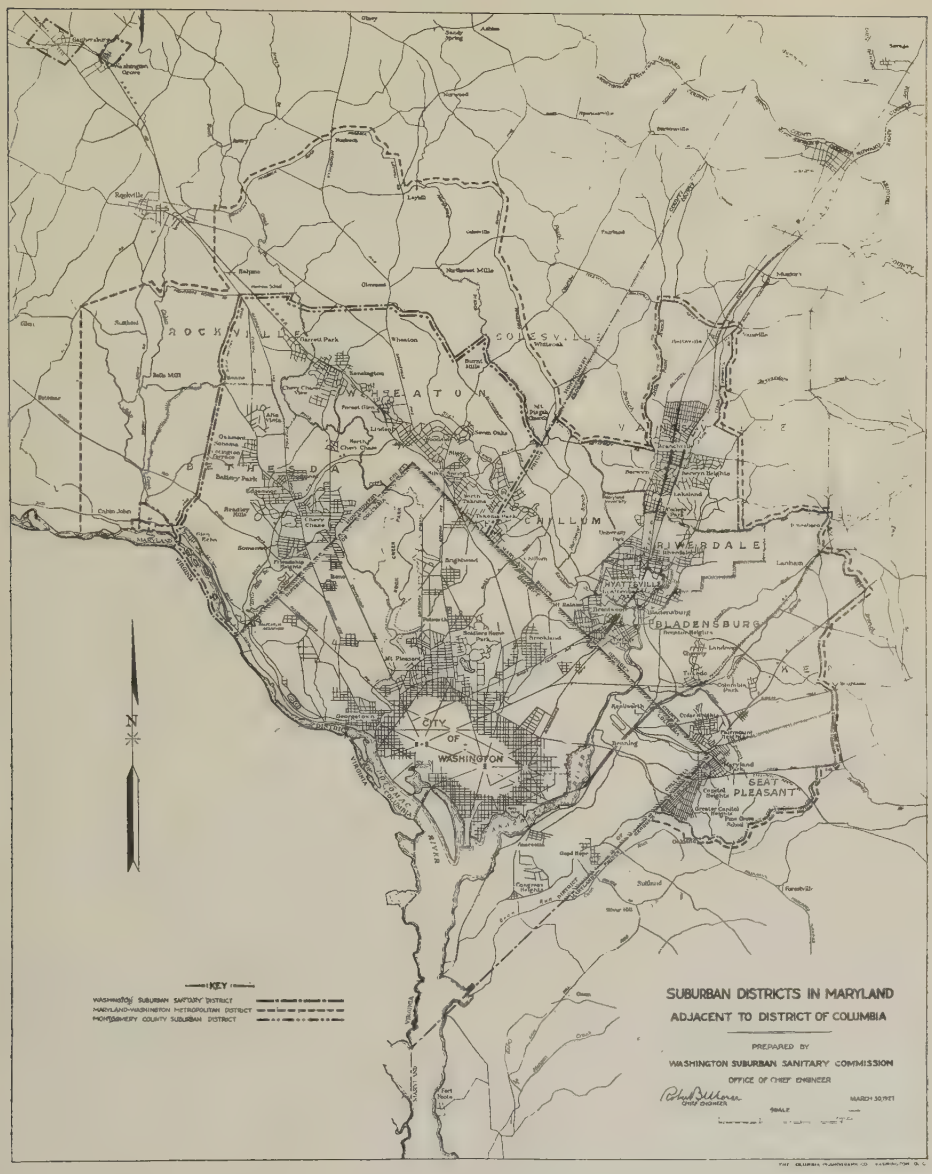
The development of Washington's suburbs has been especially rapid in recent years. This development has carried the favored residential sections beyond the line of the District of Columbia and into the Maryland counties of Montgomery and Prince Georges. It is there that the future growth of the Nation's Capital will occur.

Every American citizen has an interest in the beautification and proper development of the National Capital and its environs. The action of the State of Maryland, therefore, in creating a special district and a commission to administer it to the end that the suburbs of Washington shall be as well planned as the federal city itself, is a matter of national importance.

THE NEW METROPOLITAN DISTRICT

The new metropolitan district, as will be seen by the map of the area, is irregular in shape and is composed of the belt of Maryland territory suburban to Washington including fifteen incorporated towns and twelve special taxing areas, the latter exercising limited municipal powers. The population of the area is approximately 55,000 and its assessed valuation is upwards of $60,000,000.

The boundary of the new district begins on the north where the District of Columbia line meets the Potomac River and extends nearly around the portion of the district which originally had been ceded by Maryland for a federal capital. That portion originally ceded by Virginia and lying on the west side of the Potomac subsequently was ceded back to the Old Dominion.



The irregular shape of the metropolitan district results from the inclusion of the valleys of the principal streams flowing through the area towards Washington such as Rock Creek and the northwest branch of the Anacostia River. Control of these valleys is essential for park purposes.

As shown by the map, the new district includes all of the territory embraced in the Washington Suburban Sanitary District, in which the Washington Suburban Sanitary Commission, under the direction of Chief Engineer Robert B. Morse, has installed one of the best water and sewer systems in

the country. The new commission will coöperate closely with the sanitary commission.

Every effort will be made to preserve historic places within the district, such as the ancient town of Bladensburg where was fought the battle of Bladensburg in the War of 1812. The famous duelling ground, not far from Bladensburg, where affairs of honor were decided by sword and pistol in the early days, lies within the suburban district. Commodore Stephen Decatur fell there.

COMMISSION GIVEN BROAD POWERS

The new commission is vested with sweeping powers for zoning; subdivision control; approval of locations of streets and highways, parks, playgrounds, bridges, public buildings and public properties, public utilities and terminals whether publicly or privately owned, aviation fields and other open spaces; and the preservation of forests and natural scenery.

The first step, on which the commission is now engaged, is the preparation and adoption, after hearings, of a regional plan for the physical development of the new district.

Close coöperation with the National Capital Park and Planning Commission, created by Congress, and with other public agencies is assured by the Maryland law, which directs that the regional plan shall be made "with the general purpose of guiding and accomplishing a coördinated, comprehensive, adjusted, systematic and harmonious development of the district, and of the coördination and adjustment of said development with and to the public and private development of other parts of the State of Maryland, of the City of Washington and of the District of Columbia."

After full hearings, of which all owners of affected property will be notified, the general regional plan for the district will be adopted. Much work has already been done on this plan by the Washington Suburban Sanitary Commission and by the National Capital Park and Planning Commission.

Following the adoption of the general plan, no new streets or highways can be located, constructed or authorized until the location, character, extent, grade and arrangement thereof shall have been submitted to and approved by the commission. No street which does not conform to the plan can be accepted for public use, nor can any water mains or sewers or other public utilities be laid therein.

The commission is authorized to map and survey future streets and highways and to make plats thereof which it may adopt only after public hearing and due notice. After adoption such plats are attested and filed with the clerks of the circuit courts of each county and furnished to each property owner affected. Appeals are provided for.

Comprehensive zoning authority is vested in the respective boards of commissioners of the two counties, sitting as district councils. Such councils are empowered to enact zoning ordinances regulating and restricting the location and height of buildings and other structures and premises to be used for trade, industry, residence or other specified uses, following the certification to the county commissioners of the zoning plan adopted by the metropolitan district commission. Bulk of buildings, percentage of lot occupancy, set-back building lines, and area of yards, courts and other open spaces fall within the scope of the zoning plan and ordinance. A zoning board of appeals is established for each county. Building permits are required to be issued only in conformity with

regulations enacted by the respective district councils.

The commission is directed to report with recommendations to the Maryland legislature of 1929 as to transportation service and facilities within the district, the coördination thereof upon the highways, roads, bridges, railroads, street railways and other arteries of traffic, the manner of effecting such co-relationship, and what improvements and new facilities should be provided for a comprehensive and coördinated development of transportation for the district.

Governor Albert C. Ritchie of Maryland has named the following as members of the new district commission: Irvin Owings of Hyattsville, chairman; T. Howard Duckett of Hyattsville; Robert G. Hilton of Rockville; George P. Hoover of Chevy Chase; P. Blair Lee of Silver Spring; and George N. Palmer of Seat Pleasant. Thomas Hampton of Bethesda has been appointed as secretary-treasurer and J. Bond Smith of Takoma, as general counsel.

HOW COMMISSION IS FINANCED

The commission is financed by a direct tax. To meet the administrative expenses, a tax of three cents on each one hundred dollars of assessable property within the district is directed to be levied by the respective boards of county commissioners of the two counties.

To acquire lands or other property, the commission is authorized to issue 20-year bonds to be retired from the proceeds of a seven-cent tax on the district, made mandatory in Montgomery County and optional in Prince Georges County. The bonds are to be guaranteed by the respective counties. Funds raised in each county are required to be expended therein. Governor Ritchie has included an item of $100,000 in the state budget to be used for the acquisition of park lands by the commission. In addition, the commission is empowered to accept appropriations of money or property from the Federal Government, the State of Maryland, the District of Columbia, any political community, or any private person. The commission is also vested with power of condemnation.

Control, maintenance, operation and policing of all land so acquired is to remain in the commission and not to be placed in the Federal Government or any person, corporation, or political community other than the commission without the approval of the Maryland legislature.

Inasmuch as this new suburban district on Maryland soil completely surrounds the landward sides of the District of Columbia, it is believed the authorities will be successful in beautifying Washington's suburbs and the approaches to the capital. It is generally recognized that many cities give visitors a bad first impression because of poorly planned suburbs which must be traversed before the city terminal is reached.

It is earnestly hoped that the creation of the new commission will enable both Maryland and federal authorities to surround the National Capital with ideal suburbs, properly zoned for both beauty and utility, to the end that the approach, whether by railroad or highway, shall be through pleasing surroundings.

ZONING IN MINNESOTA; EMINENT DOMAIN VS. POLICE POWER

BY WILLIAM ANDERSON
University of Minnesota

The development of zoning law in Minnesota is a cross section of the history of zoning in the United States. :: :: :: :: ::

THE zoning of cities in Minnesota, in both its legal and practical aspects, has gone through a normal development which almost epitomizes the history of zoning in the whole United States. In this brief article we shall deal mainly with the development of the law.

Prior to 1913 there had been much interest in park development and municipal art, and in the making of excellent paper plans for the larger cities. There had also been some practical replanning work done, piecemeal and on a small scale, but no developments of any consequence in legislation for either city planning or zoning. In 1913, as a result of certain undesirable encroachments of industries upon residence areas in several of the larger cities, the legislature was induced to enact the first residence district acts. There were two of these acts, of which the first, consisting of a single short paragraph, applied to all cities of the first class, *i.e.*, those of 50,000 or more inhabitants (Minneapolis, St. Paul, and Duluth), whereas the second applied in fact only to Minneapolis.[1] The second of these acts authorized the Minneapolis council by ordinance "in the exercise of the police power" and "upon petition of fifty per cent of the property owners of the district sought to be affected," to "designate residence districts in such cities and prohibit the erection and maintenance of hotels, stores, factories, warehouses, dry-cleaning plants, public garages or stables, or any industrial establishment or business whatsoever, tenement and apartment houses." This provision of the act obviously authorized only piecemeal residential zoning, and did not empower cities to exclude all non-conforming buildings and uses from the district. The act applicable to St. Paul and Duluth contained only this section, with some slight differences. Other sections of the Minneapolis act authorized the classification of industries and the establishment of industrial districts, and the subsequent change by ordinance of a residential to an industrial district, and an industrial to a residential district, but provided that, in case of such change of zoning, "any industry which may have been heretofore established in such district, shall not be disturbed unless the same shall become a public nuisance."

[1] Laws 1913, chs. 98, 420.

1915 LAW BASED ON POWER OF EMINENT DOMAIN

Minneapolis and St. Paul soon took advantage of these acts, but doubts had already arisen as to their validity. There was grave question whether the police power could support regulations against buildings, industries, and uses of property which were not nuisances *per se*. In the absence of any supreme court decision on the subject, the legislature was induced to pass at the

next legislative session another zoning enabling act.[1] This was strictly a residence district act, based upon the power of eminent domain, and it conferred no power to establish industrial or commercial districts. Upon petition of 50 per cent of the owners of real estate in the district sought to be affected, and in conformity with a procedure set forth in the act, the council of any city of the first class was authorized to designate and establish "restricted residence districts" within which buildings and structures for certain stated purposes were thereafter forbidden to be erected, altered, or repaired. The list of proscribed uses was considerably longer than the similar lists in the 1913 acts, but by express provision was not to include "double residences or duplex houses, so-called, schools, churches, or signs advertising for rent or sale the property only on which they are placed." The act further provided that

> The council shall first designate the restricted residence district, and shall have power to acquire by eminent domain the right to exercise the powers granted by this act by proceedings hereinafter defined, and when such proceedings shall have been completed the right to exercise such powers shall be vested in the city.

The act set forth an ordinary procedure for condemnation of property under eminent domain, and provided for the award of damages and the assessment of benefits on the several parcels of land in the district But what was to be taken? Not a right of way or other ordinary form of easement but "the right to exercise the powers granted by this act," namely the powers to establish the restricted district, to pass ordinances to penalize the illegitimate construction, repair, or use of buildings and structures in such districts, and to enjoin such illegal acts or to abate any nuisances in such districts by civil process. "Any building or structure erected, altered, repaired or used in violation of this act or any ordinance passed under it," said the act, "shall be deemed a nuisance and may be abated at the suit of the city" or of any person having an interest in land in the district.[2]

COURT PASSES ON 1913 POLICE POWER ACT

This act was already upon the books and in use when the first litigation under the 1913 police power act reached the state supreme court. The facts in this first case put the city at a considerable disadvantage, for they involved the refusal of the Minneapolis building inspector to grant an owner a permit for wiring a small retail store which he had already begun under a permit previously granted.[3] The building inspector's refusal of the wiring permit was based upon an ordinance passed after the work had been begun, setting aside the district in question as a residence district and forbidding the erection of hotels, stores, factories, and other similar buildings therein. The fact that here was an obvious injustice must have had some weight with the court. Its decision was that the ordinance was invalid "insofar as it prohibits the erection of ordinary store buildings." The reasoning was that a retail store was not a nuisance, that it was not injurious to the public and did not interfere with the lawful use and enjoyment of their own property by others, and that for these reasons the ordinance "invades property rights secured to the owner by both the state and federal constitutions." Two of the five judges dissented with vigor, stressing the dele-

[1] Laws 1915, ch. 128.

[2] For later amendments to this act, see laws 1923, ch. 133; laws 1925, ch. 122.

[3] *State ex rel. Lachtman* v. *Houghton* (1916), 134 Minn. 226, 158 N. W. 1017.

terious effects of stores in residence districts and the resultant depreciation of property values, and holding that the police power could be used to protect property values in such a case as this, despite the fact that a store was not a nuisance at common law. In the following year a case involving a four-family flat was decided in the same way without a formal opinion.[1] The 1913 act as a whole was not declared unconstitutional, however, but it was limited in its application to clearly established nuisances. Later decisions under the act sustained regulations against cereal mills and undertaking establishments in residence districts.[2]

EMINENT DOMAIN HELD INAPPLICABLE TO ZONING

In the meantime, cases had also arisen under the eminent domain act of 1915 and various restrictions made thereunder. The leading case of *State ex rel. Twin City Building and Investment Co.* v. *Houghton*[3] involved a refusal of the Minneapolis building inspector to grant a permit for a three-story apartment building in a residence district. In this case the court again divided, three to two, the majority holding that the power of eminent domain could not properly be used as it had been in this case, and that "a condemnation against an apartment house is not for a public use." The act of 1915 was not directly declared invalid, but by way of comment upon this "ingeniously drastic statute" the court said:

> By the condemnation which the statute provides neither the city nor the general public gets a physical use of the condemned premises. They cannot use them in any way. They do not wish to use them in the ordinary sense. They do not want them used for an apartment. They cannot go upon them. The so-called use is negative; it prevents an otherwise lawful use by the owner and in no other way is it a use at all. He still owns the land, and can keep people off it. He may leave it vacant. He may build any kind of a building which he chooses except one forbidden by the statute. A fifty per cent vote, with the approval of the common council, has made it so if it is so. It is not so unless the use is public.
>
> When once the principle is announced, that a residence district may be created by the common council upon a majority vote of the owners and the land condemned against the use of the property for an apartment building, the way is open for the condemnation, upon legislative authorization, of property in exclusive residence districts against a use for substantially any class of dwellings then thought to be not in keeping with community surroundings. It may reach the humble and shabby dwelling, for such a dwelling may be found objectionable as readily as an apartment. And when the humble home is threatened by legislation upon aesthetic grounds, or at the instance of a particular class of citizens who would rid themselves of its presence as not suited in architecture or in other respects to their own more elaborate structures, a step will have been taken inevitably to cause discontent with the government as one controlled by class distinction, rather than in the interests and for the equal protection of all. It is not believed that the public welfare can be promoted by such legislation.

The two dissenting judges were in this case the same as in the Lachtman case, and it was their view that "that which is taken for public welfare is taken for public use," and that "it is about time that courts recognize the aesthetic as a factor in the affairs of life."

[1] *State ex rel. Roerig* v. *City of Minneapolis* (1917), 136 Minn. 479, 162 N. W. 477. See also *Vorlander* v. *Hokenson* (1920), 145 Minn. 484, 175 N. W. 995.

[2] *State ex rel. Banner Grain Co.* v. *Houghton* (1919), 142 Minn. 28, 170 N. W. 853; *City of St. Paul* v. *Kessler* (1920), 146 Minn. 124, 178 N. W. 171; *State* v. *Armour & Co.* (1922), 153 Minn. 244, 190 N. W. 59. But see *Meyers* v. *Houghton* (1917), 137 Minn. 481, 163 N. W. 754.

[3] (1919, 1920), 144 Minn. 1, 174 N. W. 885, 176 N. W. 159. See also *Restricted Residence District* v. *Scott* (1922), 151 Minn. 115, 186 N. W. 292; and *Dexner* v. *Houghton* (1922), 153 Minn. 284, 190 N. W. 179.

COURT REVERSES FORMER DECISION

A reargument was had, however, and upon reconsideration, one of the three judges constituting the original majority changed his opinion, with the result that the majority became three to two in favor of the constitutionality of the act. The test of public use, said the new majority, is "what constitutes a public use at the time it is sought to exercise the power of eminent domain"; and again, "The constitution is as it was when adopted; but, when it employs terms which change in definition as conditions change, it refers to them in the sense in which they are meant when the protection of the constitution is sought." Furthermore, conditions with respect to the planning of cities had changed; the courts were already recognizing the new needs of cities and favoring extensions both of the police power and the power of condemning property under eminent domain; and in this case the legislature, in the exercise of a reasonable discretion, had determined that the welfare of cities required this new application of the power of eminent domain. Hence, although the public received no direct use of the premises condemned, but only negative restrictions thereon, the majority concluded that such restrictions "constitute a taking for a public purpose."

ZONING PROGRESS IN MINNEAPOLIS

Piecemeal zoning against apartments under eminent domain having been thus finally sustained, the city councils proceeded to authorize little restricted residence districts here and there, making the necessary condemnations, awarding damages, and assessing benefits, with much labor, and withal making very slow progress. Better organization and more power were obvious needs. In 1919 an act was passed authorizing Minneapolis, which up to that time had not adopted a home rule charter, to appoint a city planning commission.[1] In 1921 a comprehensive zoning enabling act for all first-class cities finally became a law.[2] It was based upon the police power and provided "that for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare" any city of the first-class "acting by and through the governing body of such city, may by ordinance regulate the location, size and use of buildings therein, may make different regulations for different districts thereof, and may acquire or prepare and adopt a comprehensive city plan for such city or any portion thereof," and so on.

POLICE POWER UPHELD

The Minneapolis comprehensive zoning ordinance was adopted after careful preliminary work in 1924. Its provisions were promptly contested by one who was denied a permit to erect a four family flat in a restricted residence district.[3] The usual arguments against the ordinance were made, but in this case one of the judges who had written the opinion against the validity of the first police power act, and had dissented from the final decision upholding the validity of the 1915 eminent domain law, speaking for an unanimous court, wrote an opinion and decision fully sustaining comprehensive zoning under the police power. Characterizing the police power as "in its nature indefinable, and quickly responsive, in the interest of common welfare, to changing conditions," the court went on to point out that the need for protecting

[1] Laws 1919, ch. 292.

[2] Laws 1921, ch. 217.

[3] *State ex rel. Beery* v. *Houghton* (1926), 164 Minn. 146, 204 N. W. 569; affirmed by U. S. Supreme Court in *Beery* v. *Houghton* (1927), 47 S. Ct. Rep. 474, on the authority of *Village of Euclid* v. *Ambler Realty Co.* (1927), 272 U. S., 47 S. Ct. Rep. 114, 71 L. Ed.

residential districts in cities had caused a trend of the judicial authorities in the direction of sustaining police power measures for zoning, and that the policy of such restrictions is to be settled by legislative bodies and not by the courts.

We hold that a fair zoning ordinance resulting in the exclusion of a four-family flat building from a designated residential district is constitutional. This holding is not in harmony with our earlier decisions.

Since the decision in the Beery case, another matter long in doubt has been cleared up. In 1903 the legislature passed an act authorizing the taking of building line easements under eminent domain. This law was included in the Minneapolis home rule charter in 1920 by reference, while St. Paul already had a similar charter provision. Many building line easements have been acquired under these provisions.[1] The comprehensive zoning ordinance of 1924 accomplished a similar result by authorizing the regulation of the location and arrangement of buildings on lots under police power without compensation. That this may legally be done through the establishment of setback lines was finally settled in a recent decision.[2] This ruling conforms to the more advanced decisions elsewhere, and still further strengthens the comprehensive police power zoning act.

[1] Laws 1903, ch. 194, amended by laws 1919, ch. 504; Minneapolis Charter, 1920, ch. XX, sec. 1; St. Paul Charter, 1913, sec. 234.

ZONING POWERS CONFINED TO LARGEST CITIES

No further important legal difficulties are now anticipated in zoning matters in Minnesota. Up to this time the legislature has failed to extend zoning powers to smaller cities and villages, but in time this extension will also probably come, and in the meantime a few home rule cities (Columbia Heights, White Bear Lake, Albert Lea, and Rushford) have endowed themselves by charter with planning or zoning powers or both. At present comprehensive zoning ordinances exist in all three of the large cities of the state, and they rest upon the 1921 police power act rather than upon eminent domain. The eminent domain law of 1915 still stands, however, and attempts are sometimes made to bring about minor changes in the existing zoning regulations by procedure under the older law.[3]

[2] *State ex rel. McKusick* v. *Houghton* (May 6, 1927), 213 N. W. 907 (Minn.).

[3] One small district in Minneapolis has been so restricted since the adoption of comprehensive zoning in 1924.

ZONING IN MINNEAPOLIS, ST. PAUL, AND DULUTH

	A. Under 1913 Police Power Acts		B. Under 1915 Eminent Domain Act	
	Number of residence districts established	Percentage of city's area affected	Number of residence districts established	Percentage of city's area affected
Minneapolis	148	23%	26	Less than 1%
St. Paul	6	.27 of 1%	7	1.22%
Duluth	9	about ½ of 1%	9	Less than ½ of 1%

C. Under 1921 Comprehensive Police Power Zoning Act. All three cities completely zoned.

A brief statement of the results obtained under the several zoning laws is now in order, and for this purpose there is submitted herewith a table showing the number and the extent of the districts actually zoned in the three cities.

It is evident from this tabulation that it would have taken a long time to have protected all the residential districts of these cities under the 1913 and 1915 acts. Another defect in these early acts was that, in practice, they left the delimitation of the "district sought to be affected" to the unguided choice of the property owners who initiated the petition. They naturally included what they thought they could include without full knowledge of the needs of the district or of the city as a whole. In practice, and to some extent in law, these acts could be used effectually only to establish residence districts. Other sections of the city practically went without zoning protection.

The eminent domain act was open to additional objections. The expense of condemnation and assessment proceedings in each case was an appreciable item, and would have made it well-nigh prohibitive to have zoned the entire city at one time by this method. Naturally there was always a certain amount of guesswork and uncertainty in the damages awarded and the assessments levied. It was said, also, that the act lent itself to a sort of extortion; for the owner of a vacant lot of appropriate size in a good residential district had only to announce his intention to erect a store or apartment house thereon to induce neighboring residents to circulate a petition for a restriction with the result that he received damages at their expense. Whether anyone profited unjustly in this way would be hard to prove. A final objection to the eminent domain procedure was the cast-iron rigidity of the resulting restriction. The entire public gained a sort of restrictive easement upon the land in question, which it was almost impossible to change since each owner who had paid assessments to obtain the restriction had a right of action to enforce it. Even those who worked out the comprehensive zoning ordinances of later date had to accept these restrictions acquired by condemnation as settled, even where they did not fully conform to the comprehensive plan.

Each lot in the district affected was thus subjected to a restriction which could be wiped out only as it had been created. The original act provided no means for removing restrictions thus created, but in 1923 an act was passed to permit the council, again on petition of 50 per cent of the owners of real estate in the entire district, to remove restrictions by a reversal of the procedure by which they were created.[1] No use has yet been made of the authority conferred by this act, and it is likely that a simpler and more clearly defined procedure, such as was proposed in a bill in the 1927 session of the legislature, will be necessary to produce the desired ease and flexibility of change

[1] Laws 1923, ch. 133.

INDIANAPOLIS AT LAST TRIES THE MERIT SYSTEM

BY JOHN F. WHITE

Joint Chairman, Indianapolis Civil Service Commission

After thirty-five years of failure to observe the civil service system prescribed by the charter, Indianapolis organizes two civil service commissions, one for police and one for fire. :: :: :: :: ::

INDIANAPOLIS has been operating under the federal form of municipal government since 1891. The original charter provided quite definitely for the various departments, outlining detailed duties and responsibilities, but provisions covering methods of employment were meagre.

The only reference to civil service rules occurs under sections defining duties of the mayor, wherein it is prescribed that at least once a month he shall call together heads of the executive departments—known as the cabinet—for consultation and advice upon the affairs of the city. At such meetings rules and regulations are to be adopted for the administration of the city departments, a clause providing:

> . . . rules and regulations shall be adopted at such meetings which shall provide a common and systematic method of ascertaining the comparative fitness of applicants for office, position and promotion, and of selecting, appointing and promoting those found to be best fitted.

The first administration under this charter ignored the civil service stipulations. The following administration made a sincere effort to apply these provisions as a mandatory part of the city charter. The results were for the most part satisfactory, and particularly gratifying in the police and fire divisions, though party politicians were unfriendly. This régime, however, lasted only two years. The next administration ignored all civil service regulations on a competitive basis, as have all succeeding administrations, both Republican and Democratic, up to 1926. The political spoils system prevailed undisguised and unashamed during all that time in open violation of the terms of the charter law.

This disregard of the law, however, has not occurred without protest by a considerable body of public opinion, growing stronger with the constantly recurring political scandals and the breakdown of effective administration of municipal business, usually traceable to the spoils system. In the campaign of 1925 the civic affairs committee of the Indianapolis Chamber of Commerce, supported by other civic organizations, secured pledges from the mayoralty candidates to reëstablish civil service rules for city employment. Particular stress was given the need of such methods in the police and fire divisions.

LONG DELAY ENDS—A DUAL COMMISSION

In keeping with this understanding the present mayor, John L. Duvall (Republican), upon coming into office in January, 1926, after some delay in the general adjustment of his administration, proceeded to organize a civil service commission, but under his present conception of the law it was

made to apply only to the police and fire forces. With these two forces in mind the mayor appointed a commission of three persons for each. One member of each commission is the chief of the department in which appointments are to be made. The other two members were selected outside the administration and are of opposite political party affiliation.

The two commissions, acting in conjunction with a special committee from the mayor's cabinet, were instructed to prepare the necessary rules and regulations to govern a competitive merit system of employment and promotion for the police and fire forces. The draft submitted by this joint committee was approved by the mayor's cabinet without change, and the commissions were officially ordered to proceed thereunder as an organic part of the department of public safety, which department is to make the appointments from eligible lists set up by the civil service commissions.

These rules follow the best procedure obtainable and contain features believed to be in advance of those usually prevailing in other cities. In their construction, and in organizing for the work, the commissions were given a free hand and the cordial coöperation of administration officials to establish a civil service department that would function in the most efficient manner possible and in accordance with the best judgment of the members of the commissions.

In beginning their work the two commissions, finding that many of the duties and stipulations were interlocking and general in character, organized themselves into a joint commission for the purpose of setting up the methods of examination, appointment and promotion in the two forces for which there was a common basis, each commission then to assume the special duty of holding the competitive examinations for appointment and promotion in its particular division.

Naturally the question will arise, whether the creation of two commissions was advisable under such circumstances. There is probably merit in such criticism, but, under the commissions' present form of organization, difficulties seem rather remote, though always, it is to be admitted, a concentration of authority and responsibility makes for more effective action and economy in time.

BROAD CONTROL OVER APPOINTMENTS

The Indianapolis civil service rules have one unusual feature. While the mental, physical and medical examinations follow the ordinary procedure, with the eligible lists made up in the standard way, the general rule of certifying three, or even two, names for appointment is abandoned, and the appointing power is required to select the one name standing at the head of the list, and the list is exhausted in the order of its percentage standing. This rule precludes any kind of favoritism and relieves the appointing officials of the outside pressure which so inevitably follows the discretion of choosing one from a group of names. The special appeal of this rule, however, is that it puts the applicant on a plane of equality of opportunity—he wins by his own merit so far as it is possible to determine by examination. If the experience of the probationary period of appointment (six months) shows defects which the examination did not disclose then he also eliminates himself by his own acts, or makes himself subject to elimination.

In promotions, however, the Indianapolis rules follow the usual procedure of certifying three names to the appointing authorities, on the theory that some range of judgment should be

left to appointing officers, as to fitness, in consideration of certain traits of character, temperament or leadership. This theory might be questioned as not altogether sound, since appointment under such rule may be subject to the same charge of favoritism or undue pressure from the outside as would occur if original appointments were made in this way.

The rules provide that all promotions shall be made from the lower grades to the next higher ones, up to and including the chief of each service. This latter office in many civil service situations has been left as a perquisite for the mayor, a policy tending to discredit any merit system of promotion and to destroy ambition to render the highest grade of service.

BIPARTISAN DIVISION OF APPOINTMENTS MANDATORY

A serious defect in the Indianapolis charter law requires a bipartisan organization of the police and fire forces, dividing appointments equally between the two dominant political parties, this method being also carried to the official list. It is an essentially vicious provision and is a serious handicap to securing the best results under civil service rules.

The effort to establish a merit system for the selection of policemen and firemen in Indianapolis, after the many years of default in the face of a mandatory law, while meeting with general approval is being looked upon with no little degree of skepticism. The commission is therefore facing the rather difficult task of putting over its initial accomplishment in a way that will dispel suspicion and establish confidence, though it can hardly hope to avoid criticism and opposition. Partisan politics will probably continue to yearn for its flesh pots. The hope of the friends of this system is that it can be made to function so effectively, to be made so thoroughly helpful, that public opinion will not only demand its continuance but will compel an enlargement of its scope to the general list of municipal employees.

As the work of the commission proceeded it was threatened with various obstacles—its legality was questioned, subterfuge efforts were made to secure preferential appointments and pleas for reinstatement preference were numerous. Persistent political and personal effort to get preference for applicants regardless of standards and rules was present from the beginning. This was not unexpected yet it constitutes some of the difficulties of establishing and maintaining the system.

STANDARDS FOR IMPROVED HOUSING LAWS

BY GEORGE B. FORD

Vice-President, Technical Advisory Corporation, New York

A summary statement of modern housing requirements in various types of residence buildings which are offered as standards for improving housing laws. :: :: :: :: :: :: ::

THE Tenement House Laws of New York, and in fact of most other states, need fundamental rewriting. New living habits and health standards, new methods of construction and zoning, all render the tenement laws inconsistent and inadequate. Furthermore, experience is constantly showing that undesirable living conditions can exist in one or two-family or row houses as well as in tenements. It is also apparent that bad housing is not confined to the larger cities. As a matter of fact, it is often found in the smallest communities. Therefore, it is only logical, and it is certainly most desirable, to extend the protection of a tenement house law to prevent or remedy housing abuses of every sort, and to cover cities, villages and towns of every size.

GENERAL REQUIREMENTS OF HOUSING LAWS

The low height, yard, court and room standards that are economically necessary for the most congested parts of large cities obviously are of little value in less dense blocks where land is cheaper. It is conceivable that the principle of standards varying with local conditions, which has been applied so successfully in zoning, could also be incorporated in a housing law. Requirements for light, air, privacy and fire protection that are desirable and practicable in an open type of housing could be decreased with increasing density of population per block frontage, but no more than economically necessary.

APARTMENT HOUSES MORE POPULAR THAN ONE FAMILY HOUSES

The most basic and far-reaching service that a housing law can render is to assure to every living or sleeping room minimum standards of sunlight, fresh air, privacy and safety from fire or theft. These are equally desirable in all kinds of housing. As a place to live and sleep in, all agree that the detached one-family house, with broad open planted spaces all about it, is the ideal. However, unquestionably hundreds of thousands, if not millions, of people vastly prefer to live in the larger city because of the unique opportunities which it presents for social or intellectual contacts and enjoyment. As long as human nature remains what it is, it is bound to demand what today the large centralized city alone can give. Centralization inevitably means apartments and tenements, or at least row or group houses with few, if any, side yards. Statistics show that a constantly increasing proportion of people in all kinds of communities prefers to live in apartments. They do this because they want to be just so much nearer to their work, their leisure-time activities, and their friends, and be-

cause they are normally saved the incessant irritating bother that ordinary house management involves, especially with the constant decrease in adequate domestic service.

However, fully three-quarters of the population is in families with children under age. The great question is whether such children can be brought up healthily and sanely in the city tenement. The answer is probably "No." This is despite the fact that the remarkably expert municipal safety health and welfare departments go far toward counteracting the disadvantages of tenement life. While it probably must be admitted that even the apartment house of the better present type is not as good for the child as the single family house set in the midst of its own grounds, nevertheless, it is confidently believed that this difference can be largely overcome by ingeniously worked-out improvements in the layout of the multiple family house and its surroundings. Great progress has been made during the last few years toward improving the design of the tenement and the apartment house, but it is believed that we will have to go far beyond anything yet done before the tenement can compare favorably with the isolated single family house in its effect on the young child.

FUNDAMENTAL HOUSING REQUIREMENTS FOR THE HOME

To solve this most urgent problem, we must analyze it. A first step would be to list the physical needs of the home. These needs may be summarized as follows:

1. The greatest possible amount of sunlight and light in every room, especially in winter.
2. Ample circulation of air and cross-ventilation, especially in summer.
3. Ample fire and burglary protection and structural safety.
4. Complete family privacy and opportunity for individual privacy.
5. Healthful, convenient, attractive and economical interior planning.
6. Available summer shade and means of cooling and freshening the air.
7. Attractive, open outlook from all windows.
8. Mitigation of smoke, dust, noise, vibration and smells.
9. Ample near-by outdoor recreation space.
10. Ample but not extravagant circulation and parking space in streets.

HOUSING REQUIREMENTS IN ALL RESIDENCE BUILDINGS

A careful study of these essentials suggests certain more specific desirables which should apply to all types of residence buildings:

1. Any living room less than 12 feet wide or that contains less than 150 square feet, and any sleeping room less than 8 feet wide or that contains less than 100 square feet, feels cramped and oppressive unless it has two or more windows on its long side.

2. In principle no residence building should be more than two rooms through. That is to say, there should be no dark third or fourth interior room.

3. Windows should be as large as it is practicable to make them consistent with economical heating, and they should extend just as near to the ceiling as a proper allowance for construction and curtain rods will permit. The net area of exterior openings should be at least one-fourth of the floor area.

4. There should be the largest possible amount of clear open space outside each window for sunlight, light, air, privacy and fire protection. A clear, unobstructed angle upward of 45 degrees from every sill is a desirable minimum.

5. Side yard or court walls should be light enough in tone to reflect light rays down into opposite windows.

6. Cornices or eaves should not project into side yards or courts so as to reduce appreciably the effective width of the open space. One-third of a side yard or one-sixth of a court is a maximum.

7. The higher the buildings, the less they should cut off each other's light and air, in other words, the farther apart they should be on every side where there are windows. The stepping back principle, familiar in zoning, provides the maximum amount of light and air in proportion

to the bulk of the building. Mere bulk limitation is utterly ineffective in assuring proper light and air.

8. Deciduous trees undoubtedly freshen and cool the air in summer as well as give shade. They also tend to lessen the smoke, dust and noise and vastly to improve the outlook.

9. Awnings or shutters on windows not protected by trees unquestionably make rooms cooler in summer, keep out a certain amount of dust, and aid privacy.

10. A broad piazza, even recessed, which can be enclosed in winter with glass, preferably ultra-violet, and used as a sun room, is highly desirable both from the standpoint of the child and the adult; provided it can be so designed as not to shut off light and fresh air from the interior of the house.

11. Fireproof or slow-burning covering for roofs, and even for exterior walls, costs little more in the long run than ordinary construction, and it considerably decreases the exposure to fire risk and should reduce the cost of heating.

12. Complete, independent sanitary equipment for each family, all labor-saving devices consistent with economy of construction and maintenance, and efficient equipment for artificial heat and light should all be given due consideration.

13. Just as far as it is possible to do so, garages should be combined at the ends of blocks, where they will do the least harm to residence; or put in separate blocks; or, better still, relegated to near-by business districts instead of being peppered uniformly over the whole interior of the block. Even a garage under the house, with proper control of objectionable noise and smell and of fire, gas and exit dangers, is by far preferable to the private garage in the rear of a small lot.

14. If ample individual yards are uneconomic, a certain amount of space in the interior of most residence blocks could well be combined in a unit parcel for common use and enjoyment, including a common play yard for children under school age.

15. It is most important for every type of residence that outdoor recreational space should be provided for the small child adjacent to the house, and larger play space for children of grammar school age should be provided in the neighborhood.

16. In order to cut down the frequent present waste in residential street improvement, no street or sidewalk pavement except on thoroughfares should be made any wider than actually necessary to carry the purely local traffic, present and future. A 27-foot road pavement (24 feet absolute minimum) is ample for most local streets and even an 18-foot roadway (16 feet minimum) can be used on little-travelled streets. Five feet is wide enough for almost any local sidewalk with a minimum of three and one-half feet where travel is light.

HOUSING STANDARDS FOR DETACHED BUILDINGS

With these needs and desirables in mind, it might be interesting to consider each general type of residence to see what further suggestions for improvement may develop. First, consider detached residential buildings or semi-detached or double houses with open yard space all around them:

1. Illogically most such buildings have a fair amount of open space in front, less in the rear, and little on the sides. This is the natural result of the narrow lot evil of most older communities; but it leads to the anomaly of plenty of light, air and privacy in front, and not nearly enough on the other three sides of the building. Whatever can be done within reason to equalize more nearly these open spaces is bound to improve considerably the livableness of the home. This means a wider lot; at least 50 and preferably 60 feet wide, with at least 16 feet and preferably 20 feet or more of clear open space between main side walls. Ground story bays might project three feet and open porches five feet into such side yards. The rear yard can well be enlarged at the expense of the front yard, provided the latter is kept deep enough for reasonable protection against prying eyes and the noise, heat and dust of the street. Eighty feet clear between the rears of houses is desirable; but in no case should this open space be less than 50 feet, except for a ground story ell or porch projecting not more than 12 feet into the rear yard. Eighty feet minimum clearance between opposite fronts of houses across a 50-foot street would give a 15-foot minimum front yard—just enough for trees and shrubs, although a greater depth is preferable if the rear yard can be kept of adequate depth.

2. In order to make streets safer, cleaner and quieter, by discouraging through traffic, and in

order to cut down improvement costs, the properly designed dead-end street, which has become popular in Europe, should be encouraged here. It should not be over 500 feet long with ample front yards, and should have a roadway turning space of at least 25 feet radius at the dead end.

STANDARDS FOR ROW HOUSES

Houses built in rows of the Philadelphia type, only two stories high and two rooms deep, are unquestionably preferable to the three-room-deep isolated houses, separated by narrow slits of side yards, found by the thousands around New York.

In general the needs of row housing between party walls, in addition to those of the isolated house, are as follows:

1. Row houses or, better, group houses should be used only where land values make uneconomic the detached house with adequate side yards or even the semi-detached house.

2. Row housing or, preferably, group housing should be broken at each fourth house or at least at every sixth or eighth house to provide for proper circulation of air and for effective fire fighting. The open break should be at least 20 feet wide.

3. A row or group house rear ell should be against one-party wall and as narrow as possible so as to bring a wide open space (at least eight feet wide for each story of height of the ell) up to the main rear wall of the house.

4. If there is no rear alley, there should be a fireproof passageway, at least three by seven feet in clear, through the house from the street to the rear yard, for service and fire exit.

5. Monotony should be avoided by encouraging variety in setbacks, roof lines and grouping.

ADDITIONAL STANDARDS FOR APARTMENT HOUSES

The multi-family house, that is the tenement or apartment house, would naturally tend to locate nearer the center of the city, near rapid transit and railroad stations, and along trolley or bus streets, thus concentrating them where the greatest number of people can walk the shortest distance from their homes to their places of work or to leisure time activity. It will be found that most of the considerations enumerated above for separate houses and for row houses apply also to tenement or apartment houses; but in addition the following are well worth considering:

1. Mathematical studies indicate clearly that the only way in which one can be sure of having sunlight in every room, even on the shortest day in winter, is to make the tenement house only two rooms deep from outside wall to outside wall and to make most of the windows face in a general easterly or westerly direction. Calculations will show for any given orientation and for any given height of buildings just how far apart they must be in order to provide one hour of sunlight in every window, even on December twentieth. This principle permits of an infinite variety of layouts. However, for real efficacy it implies plottage developments of an acre or more.

2. The height of the tenements and apartments is limited by the height at which the fire department can effectively fight a fire from the street, and the number of stories that children or the infirm can safely walk down under panic conditions. Under normal conditions this would limit height to five or, at most six stories, although fireproof construction, fire towers and adequate elevators would make increased height practicable. In any case non-elevator apartments should not be over four stories high or, at most five stories high even in Manhattan.

3. At least two independent, fireproof and relatively smokeproof means of exit should be provided from each apartment or plot above the second story to the street.

4. All stairhalls and corridors should be capable of outside and preferably cross-ventilation and adequate daylight lighting.

5. In principle every living or sleeping room window should be as far from any opposite wall as that wall is high above the sill of the window. This standard should at least be approximated in rear yards where it would mean five feet of depth for each story of height, provided the neighbor back to back is obliged to do the same. Logically this would mean ten feet of court width for each story of height. This could be cut in halves along a party line where a neighbor would permanently agree to do the same. A concession

might also be made of one inch for each foot by which a lot was less than 100 feet wide at the time of passage of the housing law. Bulk limitation alone will not assure any such minimum open space opposite each window.

6. Every tenement or apartment suite should have either an open terrace or a recessed porch, at least five by seven feet, and preferably much larger, freely open to the sunlight and air. This could serve as a play space for small children, especially where there is no easy access to a local kindergarten playground.

7. All drying of clothes should be concentrated where it will be least objectionable and serve least to clutter up the interior of the block. The roof is preferable to the yards for drying, as it can be kept cleaner and less unsightly.

8. Consistent with good zoning there is little valid objection to quiet, clean and orderly neighborhood stores, or even certain small ground-story workshops without power in the tenement or apartment houses, provided they are not apparent except from the street, do not display goods out of doors, have separate entrances, and are fireproofed.

9. Trees and grass should be insisted upon, not only along all residence streets but in the interiors of all residence blocks.

THE HOME OF THE FUTURE

In general the home of the future, of whatever type, should provide for sunlight, air and good outlook at every window. It should give a privacy for family life that is distinctly lacking today. It should provide better protection against fire, theft and poor construction. There is nothing impractical about this ideal for the home of the future. Most of it is applicable today even in our biggest cities.

However, experience is showing that if each dwelling or tenement must be erected independently on its own small 25- or 50-foot lot, it is rarely possible to secure adequate open spaces. It is rather a matter of compromise with economic conditions so as to permit the erection of a practicable building on the lot. Where an acreage tract or even a single whole block or possibly a good part of the block can be laid out and developed as a unit, it is quite feasible to provide effective open spaces properly disposed in relation to the height of each part of the building. If some sunlight in every room every day is worth striving for, obviously no rooms must face north, or within 45 degrees of it. Calculations show that the more nearly a building, not over two rooms deep, faces east and west, the more likely it is to satisfy these sunlight requirements. Furthermore, it is possible to calculate just how high and how far away an opposite or adjacent wall should be, not to cut off the sun. Large plottage development also permits the provision of effectively distributed common open spaces where trees and grass can be planted and where play spaces and garages can be properly located. It is conceivable that a housing law could encourage such ideal plottage housing by allowing special concessions in other ways, provided the layout and open spaces conform to these desirable standards.

In any case it is of the utmost importance that the housing law should not be too specific and too exclusive, but should be as broad and mobile as possible so as to permit and encourage the vitally needed improvement in housing. It should be framed to avoid that monotony and crudeness which is so depressing whether seen from the house, the street or from the air. It should give free play to the architect's imagination, and encourage progress and new ideas in the art and science of housing and yet at the same time assure the resident a reasonable minimum standard of sunlight, air, privacy and safety.

ARE WE SPENDING TOO MUCH FOR GOVERNMENT?

VII. EXPENDITURES FOR POLICE SERVICE

BY LEONARD V. HARRISON

The purchasing power of the tax dollar spent for police service is largely determined by personnel selection and management. :: ::

EXAMINE the current police service budget of any fair-sized city in the United States and you will find that the taxpayers are furnishing more money per inhabitant and per taxpayer than ever before. Consult a few of these taxpayers in an endeavor to get an opinion as to whether or not the police service they are receiving represents a good dollar's worth for each dollar expended and you will get diverse views generally colored, however, by the notion that there is a good deal more the police could do if they only would. These views are frequently conditioned on a fairly small sampling of "personal knowledge" of laxity, wrongdoing or slothfulness of individual members of the police department that is being appraised. Some persons approach an appraisal of police costs only in the light of the general tax load. If these critics are impressed with the burden feature of local taxation, it may be assumed, they think, that too much is being spent for police as for all other branches of municipal service. A few well-timed, spectacular and neighborly crimes sometimes work wonders in bringing the amateur and professional tax slicers to soft spoken criticism of police expenditure. When courage returns, however, only hard necessities are allowed to escape bitter challenge.

NO RELIABLE MEASURING STICKS

In point of fact no one is in a position to employ convincing and reliable measuring sticks in sizing up the worth of police service in relation to its cost in a given city. This handicap in evaluating police service applies to the taxpayer in the street and to the specialist in municipal administration as well. Reliable criteria for consideration of the deficiency, adequacy or abundance of police service provided for the attack on the problem of crime and promotion of public safety in our cities have not been established and seldom discussed. Here the attempt will be made to emphasize the most important considerations which may become the basis for developing criteria useful in determining when and where we are getting our money's worth for police service.

PER CAPITA POLICE COSTS FOR 1925

Except for the tabulation of per capita police costs given below, this discussion will be carried on without benefit of statistics. It is not intended to imply that the statistical method is unsatisfactory when it comes to evaluating police costs and police services. The familiar statistics of number of arrests, number of fires reported, lost children restored, square miles policed, linear miles patrolled, duty calls made, number of police and fanciful estimates

of population are not sufficiently revealing. More illuminating data generally are not furnished. The latest annual publication of *Financial Statistics of Cities Having a Population of Over 30,000* prepared by the Bureau of the Census of the Department of Commerce is for the year 1925. The per capita cost of municipal police services in 1925 are shown, in part, as follows:

Per capita costs for police service

Population of Cities	
500,000 and over	$5.13
300,000 to 500,000	3.95
100,000 to 300,000	2.81
50,000 to 100,000	2.54
30,000 to 50,000	2.15

The per capita police costs of each of the twenty-three largest cities in the United States in 1925 was as follows:

	Per capita police cost
Cities of over 500,000 population	
New York	$5.67
Chicago	4.89
Philadelphia	5.05
Detroit	5.28
Cleveland	3.41
St. Louis	5.14
Baltimore	4.31
Boston	5.96
Los Angeles	(Not computed)
Pittsburgh	3.57
San Francisco	4.62
Buffalo	4.49
Cities of 300,000 to 500,000 population	
Milwaukee	3.43
Washington	4.96
Newark	5.84
Minneapolis	2.65
New Orleans	2.64
Cincinnati	2.41
Kansas City, Mo.	3.38
Seattle	(Not computed)
Indianapolis	3.08
Rochester	3.41
Jersey City	8.44

These figures in themselves shed but little light in any inquiry as to what cities of the above list spent too much or too little for police service.

Two facts stand out in the above table. We observe the steady and comparatively even increases in per capita costs in ascending from the lower to the next higher population group. The larger the city, the more complex and difficult is the problem of policing. Property risks are proportionately greater, relatively larger numbers of outside floaters who are living by their wits seek the possible obscurity of dwelling in the large city. A complex police organization must take the place of the simple groupings of police under a few commands in the smaller places and so on. Secondly, we are struck by the range in costs shown for individual cities of nearly equal population within the same population group.

These per capita figures show clearly that some cities pay considerably more than others for police protection. Does it follow that the high cost cities are paying too much and the low cost cities too little? Did St. Louisians in 1925 get better policing for $5.14 each than Clevelanders for $3.41? The problem of policing in Minneapolis is quite different in many respects from the problem in New Orleans. Does the difference of a penny per capita for 1925 indicate that the quantity and quality of policing in the two cities is on a par? The answer cannot be found in these comparisons. One city may be more difficult to police and may therefore cost more. By spending more it may be better policed; or, again, the added cost may represent waste with no gain in quality.

SALARY SCHEDULES INFLUENCE PER CAPITA COSTS

A change in police salary schedules can make swift changes in the relative

standing of cities as regards their police costs. Unless there is a definite marking up of personal qualification standards attendant upon an increase in salary rates, only a negligible change in police results may ensue. An aggravated local traffic problem in one city may contribute disproportionately to the police costs of that city. A city lying contiguous to large metropolitan population outside of its boundaries has an added burden. Racial factors in population make-up are important. To ensnare these varieties of police problems in a formula is a task beyond the ordinary powers of fair-minded critics of police administration and its cost.

Without undertaking the futile task of establishing a mathematical method of rating the excess or deficiency of police expenditures in any one city, we may, nevertheless, elaborate certain considerations which will be useful in making appraisals. By far the greatest item of police expenditure is that of salaries. The police budget swells periodically by reason of heightened salary schedules or by increased quotas of men, or both. And nearly always police executives are pleading for a larger number of men than the budgets actually allow. Salary costs are in such high proportion to total police costs that we may, in reasonable confidence, assume that if we are getting our money's worth in return for police salaries we can justify total police expenditures. A proposal to add one hundred men in a year to a police force of a moderate-sized city is not unusual. If, as is too often the case, police executives are proposing to meet their crime problems by mere weight in numbers of men without particular reference to the special qualifications of men needed to seek out opportunities for prevention of crime at its source and without regard for capacities to do more than swing a club, pull a signal box and wait for a disturbance to cross their paths between boxes, we may say that the possibility of getting full returns on the expenditure proposed can be seriously questioned.

IMPORTANCE OF PERSONNEL MANAGEMENT

The business of policing is in many respects largely a task of personnel management. It is not necessary to labor this point. A considerable body of men, working singly for the most part and exercising their individual resources in observation, investigation and judgment, makes up police work. Initiative, zeal, self-control, sound judgment, courage and intelligence are personal assets demanded in productive police work. Qualities of personality, intelligence and professional interest comprise the department's most important resource. It seems clear that a city which is making good progress in developing the technique of selecting men according to the special personal qualifications required in police work and similarly in the standards of police training schools is not wasting money when quotas are enlarged. Perhaps it can be stated more effectively by saying that a city which tolerates without question low minimum standards for entrance to fill all of the specialized services of the police department is likely to spend too much in any case for the police protection it receives. Small patrol beats and large platoons of uninspired and mentally mediocre watchmen to compensate for alertness and professional-like enthusiasm for police work on the part of a smaller number is expensive. Here the police executive will say that limitations of prevailing salaries determine the quality of men that can be attracted. True enough. But the facil-

ities for improved methods of selection should precede upward revisions in salaries and proposed additions in quotas.

CRIME RECORDS ARE ESSENTIAL

Again the city which is not continuously informed in the fullest possible way as to the nature and extent of crime and delinquencies occurring from day to day, stands a good chance of spending too much for its established level of police service. A sensitive and complete record system is obviously essential to the most productive assignment and use of a police department's personnel resources. The element of surprise attack with easily mobilized and fluid forces of a department is of the greatest importance for nipping in the bud situations which lead to crime. Improved systems of recording crime and delinquency complaints properly analyzed as to time, place and manner of commission, if considered at all intelligently, will stimulate commanding officers to devise effective methods of organization and assignment. Even though no such alterations in organization and methods are conceived as a by-product, precise information, furnished by an adequate record system, as to what crimes are outcropping and where, remains essential. The degree of excellence in police record systems varies widely from city to city. Marked progress has been made in recent years by a few cities in the recording and analysis of crime data. The opinion is ventured here that the quality of police records in a given city may be taken as a trustworthy index, though not the only one, in determining how wisely police appropriations are expended.

The city that is policing in the rut of departmental tradition, adding new traffic and patrol posts from time to time as population increases with little or no experimentation or knowledge of the results of fruitful experimentation in other cities; the city that is always engaged in catching up with the crimes and disorders which occur in spite of the daily rounds of watching; the city that is weak in planning its crime preventive activities and in searching out the causes and origins in crime and not alone the actual occurrences, if well financed (as comparison with other cities go), is likely to be spending too much for what it gets in police service. If, on the other hand, the police officials of a city are ready and anxious to adopt the method of research in the problems at hand and experimentation in methods for attacking the problems, but are prevented by reason of inadequate funds, then that city is very likely spending too little for police service.

MEN THE FIRST ESSENTIAL

Nothing has been said about material facilities such as station houses, motor equipment, recall signal system, mechanical devices for transmission of orders, scientific apparatus for use in solution of cases, etc. These are valuable and should be provided generously. But expensive tools will not win the day in battling crime. It will take *men*. More men of the type of the splendid minority who are now working with good effect. Many commanding officers have been heard to say, "Give me three or four like patrolman ——— or sergeant ——— and I'll do as much as with ten or a dozen drones who are interested only in their box calls and their pay checks." Here will lie the answer as to whether we must spend more for adequate police service. What is the proportion? Are four good men as valuable as six of the common run, or seven or eight or more? Does anyone know? Do police executives ever calculate how much of their crowded time is devoted to keeping

the drones on their feet and how little is given to providing leadership for the men who really count?

It is the part of a prophet to say what it will cost to hire the good men that are required when we shall have eliminated the drones or put them at a drone's work for a drone's pay. Meanwhile, splendid progress goes on in American police administration. Some good standards have been set by a few cities to which many other cities may aspire. As more departments are freed from political repression, we may expect a levelling up to the better standards.

THE INITIATIVE AND THE REFERENDUM IN 1925 AND 1926

BY RALPH S. BOOTS
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A review of the use and the results of I. and R. in 1925 and 1926, with tables of votes on measures. : : : : : : : : : : : : : :

During the year 1926 the voters in thirty-six of the forty-eight states passed judgment at the ballot box upon 194 measures, of which 137 were proposals of constitutional amendment. These numbers may be compared with totals of 234, 174, and 214 for the years 1924, 1922, and 1920, respectively, of which 186, 92, and 160 were proposals of constitutional amendment. In 1920 amendments were voted upon in thirty-two states; in 1922 in twenty-three states; in 1924 in thirty-one states; and in 1926 in thirty-two states.

In 1920, measures passed by legislatures and referred to popular vote by petition numbered sixteen in eleven states; the corresponding figures for the three later years were thirty-two in seven states, fourteen in six states, and eleven in seven states. Forty-three proposals were initiated by petition in eleven states in 1920; the corresponding figures for the later years were forty-two and twelve, twenty-six and ten, and thirty-six and twelve. The variation in these numbers seems to be entirely without significance.

NEGATIVE ATTITUDE EXCEPT ON CONSTITUTIONAL AMENDMENTS

Of the 194 proposals voted upon last year, 116 were approved and 78 rejected; of the 147 propositions submitted by legislatures, of which 126 were constitutional amendments, 101 were accepted and only 46 disapproved. In only eleven instances in states employing the referendum was any group of voters sufficiently dissatisfied with the legislative product to petition for a chance to reject it, and in seven of these instances the popular vote bore out the petitioners' hopes. This ratio, however, is not as favorable to the petitioners as usual, for in 1924 only two of the fourteen referred measures survived, and in 1922 only nine of thirty-eight, although in 1920 seven of the sixteen subjected to the gauntlet ran it successfully.

Last year Arizona voters turned down a measure generally regulative of stock quarantine, slaughter, and sale of meat; in California a proposed tax of two cents a pound on "oleo" was rejected; in Oklahoma the people pre-

vented the repeal of the labelling of convict-made goods and of the free textbook law. In Oregon a covering of 10 per cent of the fee receipts of most state boards into the general treasury fund was defeated as well as an excise tax upon tobacco; in South Dakota the voters opposed a change in the personnel handling the depositors' guarantee fund. In only seven of the twenty referendum states was any measure "referendumed." This, of course, does not necessarily indicate fully the deterrent influence of the "gun behind the door" upon the legislators.

The voters rejected more than twice as many initiative proposals, including constitutional amendments, as they accepted, the "anti" votes being twenty-five and the "pro" votes eleven. In 1924 the figures were twenty and six; in 1922, twenty-eight and seven (disregarding seven Oregon propositions for which the returns were not printed in the REVIEW); and in 1920, twenty-six and sixteen.

The eleven successful proposals will be briefly described. Some were constitutional amendments. Thus Arkansas forbade the legislature to pass any special or local law, and authorized cities of the first and second classes to incur debts for certain terms by means of serial bonds. In the same manner California abjured the legislature to reapportion the state assembly and senatorial districts after each federal census according to a definite plan and created a reapportionment commission to act if the legislature should fail. The voters of Illinois desired Congress to permit the states to regulate the use of alcoholic beverages not in fact intoxicating.

The legislature of Missouri was authorized to empower cities to establish pension systems for police officers. Montana voters repealed the state prohibition enforcement act and raised the "gas" tax from two to three cents. The citizen lawmakers in North Dakota levied a two-cent "gas" tax upon themselves. A scheme for testing in advance the legality of any tax levy was adopted in Oklahoma only to have the supreme court hold the plan unconstitutional. Salmon fishing was strictly regulated by an initiated measure approved by the electors of Oregon.

It will be noticed that the average number of propositions voted upon per state was five and one-half, both in the states employing the initiative and referendum and in the others which permit popular votes only on constitutional measures. In six states only one question was subjected to popular scrutiny, in nine states two, and in five states three. Thus twenty states averaged about one and one-half measures each. The other sixteen averaged ten measures each, the four highest being California, South Carolina, Oregon and Louisiana with twenty-eight, twenty-eight, nineteen and fourteen, respectively. Two of these four states use the I. and R. and two do not. Among the electorates to whom four or more propositions were submitted, there was only a fair degree of wholesale approval or rejection; to be exact, in six out of sixteen such cases.

VOTE ON MEASURES COMMONLY LIGHT

Of the 116 measures approved, only nineteen received over 50 per cent of the vote cast for officers at the same election. The propositions which were approved by the smallest percentages of the total vote cast were generally constitutional amendments submitted by the legislature. North Carolina adopted an amendment by the affirmative vote of 13 per cent of the total election vote and South Carolina approved twenty-seven of the twenty-eight propositions appearing on the ballot by percentages ranging from 17 to 20. Texas

voters equalling 30 to 34 per cent of the total were sufficient to write four proposals of amendment into the constitution. California voters approved two uninteresting amendments by a 32 per cent vote.

Turning to an examination of the degree of interest manifested in law- or constitution-making as indicated by the vote, one finds that in Idaho, Indiana, Maryland, North Carolina, South Carolina, New Mexico, Florida (one measure), and Texas (one measure), the total vote for and against propositions fell below half of the highest vote for officials. The Carolinas hold low place here, with 20 and 33 per cent participation. Upon a series of bond issue proposals, the participation of Rhode Island voters ranged from 31 to 40 per cent of the vote for candidates and all were accepted by affirmative votes of 21 to 35 per cent of the total.

The lowest participation upon an initiated measure reached 61 per cent of the total vote (in Arizona), and the lowest affirmative percentages for successful measures were 36 in California, 43 in North Dakota, and 44 in Oregon and Arkansas. First honors for the greatest interest in a proposition go to Montana, where 102 per cent of the highest vote cast for officials expressed itself on the repeal of the prohibition law and an increase in the gasoline tax (initiated measures). Arkansas voters were by no means laggards, 95 per cent of those coming to the polls having voted on the full-crew law. The same per cent of the total was cast in South Dakota upon a referred proposition; 96 per cent expressed an opinion upon the sale of beer in Wisconsin; and 98 per cent voted on the method of selecting levee commissioners in Mississippi.

The state averages are perhaps the most significant figures in the study of popular interest. They ranged from 23 per cent in North Carolina, up through 34 per cent in South Carolina, 36 per cent in Idaho and Rhode Island, 38 per cent in Indiana and 39 per cent in New Mexico, to 87 per cent in Arkansas, 88 per cent in Maine, 94 per cent in Montana, 95 per cent in South Dakota, and 97 per cent in Mississippi. On all measures for all states this average (percentage of the total vote which was cast on propositions) was 65⅔ per cent; on constitutional amendments it was 64 per cent; on measures referred by the legislature it was 67 per cent; on measures referred by petition, 78 per cent; on initiated measures, 78 per cent. The 1924 figures were somewhat lower for the first three types of measures, and higher for the last two.

In the initiative states the average for all measures was 77 per cent, and in the other states, 57 per cent.

MEASURES CLASSIFIED

An attempt to classify the measures as political, financial, social, and economic or industrial, upon the basis of the nature of their content or purpose, gave the results appearing in the accompanying table.

Of the financial measures twenty-three were submitted by the legislature of South Carolina in order to except various local government areas from the constitutional limitations imposed upon their powers to incur indebtedness. These all passed, but in 1924 thirty-nine similar proposals failed.[1]

[1] The secretary of state, W. P. Blackwell, explains that it has always been the custom to vote favorably upon all such proposals and that probably only in 1924 was any such measure ever defeated. The interesting and exceptional popular attitude of that year he accounts for on two grounds. At the same election a $10,000,000 bond issue for state institutions was submitted which was not at all popular, and certain politicians made such capital out of the hostility to it that the voters, not always sure of the meaning of measures, took no chances and expressed an emphatic "no" all over the ballot. (They did

ANALYSIS OF MEASURES VOTED ON BY THE PEOPLE

Type of Measure	Political			Financial			Social			Economic		
	Total	Passed	Failed	Total	Passed	Failed	Total	Passed	Failed	Total	Passed	Failed
Initiated laws or resolutions	1	1	0	11	3	8	9	3	6	4	1	3
Initiated amendments	5	2	3	2	1	1	3	0	3	1	0	1
Initiated (total)	6	3	3	13	4	9	12	3	9	5	1	4
Measures referred by petition	1	0	1	2	1	1	6	3	3	2	0	2
Amendments proposed by the legislature	52	30	22	44	39	5	13	8	5	17	11	6
Statutes, bond issues, etc., submitted by the legislature	2	0	2	12	9	3	6	4	2	1	0	1
Totals	61	33	28	71	53	18	37	18	19	25	12	13

Judson King, director of the National Popular Government League, classifies the measures voted upon in the I. and R. states as follows: "Thirty-six related to changes in the structure of government or the administration of government, or the processes of political action; twenty had to do with changes in the taxation system or the rate and methods of taxation; four related to public ownership or regulation of public utilities; ten dealt with education, including both the universities and the public school systems; six were anti-prohibition; four were concerned with farm and labor legislation."[1] The others were miscellaneous.

PEOPLE COLD TO SALARY INCREASES

Extensive comment on particular proposals is hardly worth while. Probably the most strikingly uniform attitude of the voters is their opposition to any increase in official salaries, notably those of legislators. Only in Maryland and Georgia were authorizations of higher pay approved, in both cases for judges. Legislators must still be content with five dollars a day in North Dakota, South Dakota, Idaho, Washington, and New Mexico, and with six dollars a day in Oklahoma. The increases proposed were not unreasonable in any instance. The same popular attitude, displayed in 1920 and 1922, was attributed to declining prosperity, but this explanation can hardly suffice now. The voters seem to demand in many cases that officials serve at a distinct financial sacrifice, whether because they think that more capable officials can be secured on such terms, or because the persons willing to become candidates are worth no more than they are being paid, or because the honor of office is sufficient reward, or because, as Governor Peay of Tennessee hinted broadly, there are plenty of applicants for the positions at the present rates of pay, cannot be determined.

Bond issues for ordinary purposes were generally approved with a notable exception in Kentucky. Exemptions from taxation for the purpose of encouraging industrial development were favored in Arkansas, South Carolina, and Louisiana, and for other purposes in California. Income taxes were defeated in Indiana and Oregon, and at

approve four other amendments, however.) Besides, the state had been in uncomfortable financial straits for three years and the voters, generally favorable toward bond issues for schools and highways, believed they were not necessary at that time.

[1] Bulletin No. 107, February 1, 1927.

the same time in the latter state the voters overwhelmingly defeated a constitutional prohibition of income and inheritance taxes. The classification of property for purposes of taxation was frowned upon in West Virginia and, although nearly 200,000 more Illinois voters favored allowing a vote of two-thirds of the legislature hereafter to free that body from the taxation limitations of the constitution, the requirement of a majority of those voting at the election prevented the adoption of the amendment. Michigan voters again disapproved the employment of excess condemnation by cities, and in Ohio the proposal to assess the cost of acquiring lands for public improvements upon lands benefited rather than upon adjacent lands, went down to defeat.

Propositions which would to a greater or lesser degree have put the state or locality into some business or commercial undertaking were defeated in California, Oregon, Missouri, Michigan and Montana; that is, wherever they appeared upon the ballot.

Perhaps the outstanding case of popular unwisdom was the rejection in Massachusetts (where, by the way, a literacy test prevails), of a proposed 5 per cent and 10 per cent score advantage for veterans and disabled veterans, respectively, in civil service examinations, to replace the present practice of placing veterans above all others on the eligible list. This action contrasts unfavorably with that of New York a few years ago. The committee of the General Court, it must be admitted, had recommended the defeat of the measure, including in its report, which becomes part of the publicity pamphlet, the statement that the present law had been enacted in 1919 at the recommendation of Governor Coolidge and that under it "of the total number of appointments made barely fifty per cent were veterans." Ohio voters decisively refused to withdraw from the Constitution the requirement of the use of the direct primary for all nominations. They apparently believe much more firmly in the direct primary in the abstract than they believe in their ability to use it for the nomination of candidates who will not destroy it.

DOES MONEY DICTATE?

Upon the assumption that fifty-four of the proposals voted upon in the states employing the initiative and referendum were questions upon which the action of the voters might reasonably be described as progressive or conservative, Mr. King concludes that the people in these states voted progressively thirty-nine times and conservatively fifteen times. The writer has not attempted to examine the justification for this conclusion (the specific measures rated were not presented in Mr. King's survey) and consequently expresses neither agreement nor disagreement. Mr. King discountenances the idea that "the vote goes where the big money goes." He holds that "where a real public opinion has been established regarding an institution with which the voters have had experience, money is of no avail." It has, however, great influence upon the acceptance or rejection of new programs, he concedes.

Inadequate publicity still characterizes the submission of the proposals in many states. The arguments pro and con, when printed in a pamphlet, are sometimes so diametrically opposed and contradictory as to the purpose of the proposition, that even the most intelligent voters must feel shaky and uncertain. The printing in full of a long statute, especially one amending an existing law, is a hopeless way of acquainting the voter with even

the elements of his problem. A simple statement of the formal purpose of the proposal, as distinct from its possible results, would be most useful. But who shall be trusted to draft such a description? Court action may be had in some states to assure correct ballot titles and prevent the use of misleading captions. Perhaps this method would safeguard an official description. Political "facts" are notoriously difficult to find, and when found they seem still to be not altogether impersonal.

Of the fourteen constitutional amendments laid before the electorate of Louisiana the New Orleans *Times-Picayune* said: "The average voter was personally interested in one or two and acquainted with their meaning. With respect to the others he probably knew little and cared less. His reading of the amendments as published in advance of the election could bring little enlightenment."[1] A Massachusetts editorial said of the proposed amendment relating to town meetings: "There was no controversy over the referendum, and no reason could be found for any opposition if the question was understood." Yet 160,000 negative votes were cast. This is attributed to the tendency to vote "no" when a question is not understood and to vote "no" on a group when there is an intense eagerness to defeat a particular proposal. It is noted, also, that Boston, Cambridge, Newton, Lawrence, Fall River and New Bedford all gave a majority for the defeated veterans' preference initiative, and the suggestion is offered, as a reason for this divergence from the vote of the rest of the state, that it may have been effected by a radio talk in favor of the proposal from a Boston station the night before the election.

[1] The writer here makes an honest confession, although perhaps at the risk of whatever slight reputation for intelligence he may possess. After comparing the language of each proposed amendment with that of the existing clause of the constitution to which it was intended to apply, he wrote out summaries of the fourteen proposals and later discovered on reading the description of these proposals which appeared in the *Times-Picayune*, and which he assumed to be correct, to his amazement and chagrin that he had almost completely misstated the intent of one proposal and had come sadly wide of the mark in calculating the meaning of two others. He can only hope that this percentage of error has been materially reduced in the case of other states and other measures.

PROPOSITIONS SUBMITTED TO THE VOTERS IN THE SEVERAL STATES, 1926

CONSTITUTIONAL AMENDMENTS

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
Arizona				
(By initiative)				
Prohibiting persons who have served two consecutive terms in a state office from thereafter being elected to such office, excepting members of the legislature and judiciary	23,401	*28,299*[1]	65[2]	29[2]
Arkansas[3]				
(By legislature)				
Permitting the legislature to authorize school districts to levy, with the approval of the electors, a tax of not exceeding 18 mills (instead of 5) for school purposes	*97,502*	40,873	90	64
Exempting from taxation for seven years all capital invested in textile mills manufacturing cotton	*102,044*	36,661	91	67
(By initiative)				
Permitting cities of the first and second classes to borrow money, with the approval of the voters, by means of serial bonds of a maximum term of 35 years and to an amount for which a five mill tax would provide interest and amortization (present constitution forbids state or subdivisions to incur debt)	*66,915*	54,768	79	44
Forbidding the general assembly to pass any special or local act, excepting to repeal an existing special or local act	*80,500*	44,150	81	53
California				
(By legislature)				
Taxing common carriers upon public highways engaged in transporting persons 4¼%, and in transporting property, 5%, of the gross receipts in lieu of all other taxes and licenses	*751,379*[4]	211,618	79	62
Increasing the annual compensation of state officers $2,000 and permitting the legislature to decrease but not to increase these amounts	360,656	*554,848*	75	30
Changing, with the approval of the legislature, the state tax on steam railroads not exceeding 250 miles in length from 7% to 5¼% of the gross receipts	*643,993*	236,104	73	54
Authorizing the issue of bonds to the amount of $8,500,000 for state buildings and state university buildings	*650,282*	311,619	79	54
Exempting from taxation the buildings and a limited area of the grounds of educational institutions of the secondary grade not conducted for profit and accredited to the University of California	343,526	*614,659*	79	28
Extending certain exemptions from taxation to veterans released from active duty because of disability resulting from service in time of peace and to widows and widowed mothers of such veterans	*482,525*	468,643	79	39
Declaring aliens ineligible to citizenship shall never exercise the privileges of electors, and extending the absent voters provisions to those engaged in civil or congressional service of the United States or the state, and to those who by reason of disability are absent from their precincts or unable to go to the polls	*550,676*	308,061	71	45
Requiring the assent of holders of two-thirds of the value of the stock instead of a majority, to increase the stock or bonded indebtedness of a corporation, and eliminating the requirement for action at an advertised meeting	*427,086*	345,694	64	35
Empowering the legislature to provide by general law for the incorporation and organization of school districts and junior college districts and to classify such districts	*455,088*	344,103	66	38

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
California—Continued				
Providing that the state shall pay $3,000 of the salary of each superior court judge (the state now pays half) and that the county from which he is elected shall pay the remainder, and allowing the legislature to fix hereafter the salaries of judges of the supreme court, district courts of appeal, and superior courts (Constitution now fixes salaries of the first two classes)	435,163	*439,471*	72	36
Providing that the candidate for non-partisan office who receives at the primary election a majority of all the ballots cast for such office shall be declared elected	*595,413*	210,915	67	49
Authorizing irrigation districts to acquire the stock of corporations owning water rights or waterworks, and requiring city or county treasurers, upon the resolution of the governing body of a political subdivision, to transfer funds up to 85% of the amount of the taxes to meet maintenance obligations and to replace the same before using the latter for other obligations	*387,905*	351,785	61	32
Exempting from taxation all property used exclusively for human burial or other permanent deposit of human dead, except as used or held for profit	*540,367*	292,134	69	45
Declaring that the legislature, in cases where jury trial is not a matter of right or is waived, may empower an appellate court to ascertain the facts from evidence in the trial court or from additional evidence in the appellate court, and make a finding of fact contrary or additional to those made by the trial court	*521,858*	230,284	62	43
Creating a judicial council to regulate court practices and procedure	*468,750*	256,252	60	39
Providing pensions for the judges of the higher state courts	286,147	*634,311*	76	24
Requiring the approval of two-thirds of those voting upon a proposition to pass it, whenever two or more proposals to incur indebtedness have been submitted at the same time to the electors of a local government area	*391,614*	352,137	61	32
Exempting from taxation immature forest trees planted on lands not previously bearing merchantable trees, and certain other trees	*619,062*	276,473	74	51
(By initiative)				
Classifying highways and grouping counties, appropriating annually for twelve years for the construction of highways $5,000,000 allocated according to a certain rule	337,906	*611,638*	79	28
Forbidding the appropriation of public money to sectarian schools or those not wholly controlled by public officers and permitting the daily study of the Bible in the public schools and reading therefrom by teachers without comment, but requiring no pupil to read it or hear it read contrary to the wishes of his parents	439,210	*571,934*	84	36
Requiring the legislature, immediately following each federal census, to divide the state into 40 senatorial and 80 assembly districts, the latter as nearly as possible to be equal in population and no county containing more than one senatorial district and no senatorial district comprising more than three counties; creating a reapportionment commission to act if the legislature should fail	*437,003*	363,208	66	36
Authorizing the issue of bonds to the amount of $500,000,000 for public development and distribution of water and electric energy	253,019	*671,053*	76	21

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
California—Continued				
Creating an *ex officio* reapportionment commission to act if the legislature fails to do so after each census	319,456	*492,923*	67	26
Colorado				
(By legislature)				
Restoring to the legislature the power to fix the salaries of the governor, his secretary, and the judges of the supreme and the district courts	95,625	*104,709*	66	31
Eliminating the requirement that in cases where salaries are provided for county and precinct officers, the same shall be payable only out of the fees actually collected, when fees are prescribed	60,086	*118,284*	58	20
Enabling the legislature to substitute motor vehicle registration license fees for ad valorem taxation of automobiles	68,459	*134,292*	66	22
(By initiative)				
Repealing the classified civil service provision[5]				
Enabling the legislature to provide for the manufacture and sale of intoxicating liquors by and through the state for personal and domestic use, such legislation not to be operative so long as it conflicts with the law of the United States	107,749	*154,672*	86	35
Creating an appointive public utility commission (instead of the present statutory body) with jurisdiction over all public utilities, except those municipally owned and irrigation projects	37,137	*161,372*	64	12
Florida				
(By legislature)				
Providing for the selection of the chief justice of the supreme court by the justices thereof every two years instead of by lot for the duration of his term	*20,068*	11,621	64	31
Providing that the apportionment and distribution of the county school funds shall be made by the county board of public instruction hereafter in accordance with general law based upon some declared principle of classification determined by the legislature	*26,401*	15,662	64	40
Excepting from those foreigners who are guaranteed the same rights of ownership, inheritance, and distribution of property as citizens, such foreigners as are ineligible to citizenship of the United States	*18,574*	13,688	49	28
Georgia				
(By legislature)				
Providing that taxing powers of counties may be increased for the purpose of collecting and preserving vital statistics	*33,888*	4,119	80	72
Providing additional compensation to be paid by Muscogee County to the judges of the circuit of which it is a part	*21,226*	11,239	69	45
Authorizing the county of Crisp to increase its bonded debt for hydro-electric power purposes	*25,985*	6,924	69	55
Providing that the legislature may exercise its powers of taxation for the construction and maintenance of a system of public highways	*26,996*	5,967	69	57
Providing a state debt increase to sum of $3,500,000 for public school teachers' salaries	*27,288*	6,416	71	57
Authorizing Chatham County to issue bonds to pave the road to Tybee	*27,249*	5,407	69	57
Authorizing one mill tax for educational purposes in counties having cities of more than 200,000 population wholly or partly within their boundaries	*27,122*	5,591	69	57

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
Georgia—Continued				
Authorizing the county of McIntosh to increase its bonded indebtedness for educational purposes	*27,854*	5,203	70	59
Authorizing the county of Lowndes or the city of Valdosta, or both, to increase their bonded indebtedness to aid in the establishment of a college	*27,393*	5,391	69	58
Idaho				
(By legislature)				
Increasing the pay of legislators from five dollars per diem with a session maximum of $300 to ten dollars with a $600 maximum	21,320	*23,677*	36	17
Illinois				
(By legislature)				
Permitting the legislature by two-thirds vote of the members of each house to adopt methods of taxation free from the limitations in the present constitution	651,768[4]	*476,456*[5]	59	34
Indiana				
(By legislature)				
Permitting the legislature to classify counties, cities, townships and towns in enacting laws for the registration of voters	198,579	*184,684*[6]	37	19
Depriving the legislature of power to increase the term or salary of any officer during the term for which he was elected or appointed	182,456	*177,748*	35	18
Employing the number of votes cast for the office of secretary of state in the several counties instead of the number of male inhabitants over 21 years of age as the basis of apportionment of state senators and representatives	183,828	*189,928*	36	18
Empowering the legislature to levy and collect a tax upon incomes	239,734	*212,224*	44	23
Iowa				
(By legislature)				
Striking "male" from the qualifications of legislators	*239,999*	133,929	65	42
Kansas				
(By legislature)				
Increasing compensation of members of the legislature from three dollars to eight dollars per diem	162,815	*221,287*	76	33
Louisiana				
(By legislature)				
Permitting the organization of waterworks and subwaterworks districts and allowing them to incur debt and issue negotiable bonds upon the approval of a majority in number and amount of the property taxpayers	*23,276*	11,370	64	43
Authorizing the extension of the reforestation contract term to fifty years, and the fixing of a total severance tax upon the forest product when severed	*23,044*	11,878	64	43
Defining the boundaries of twenty-six judicial districts in the state instead of twenty-five	*24,325*	10,742	64	45
Removing the requirement that bridges over navigable streams be provided wholly from the general highway fund	*22,782*	11,297	63	42
Adding irrigation districts to the subdivisions of the state which may incur debt and issue bonds upon the approval of the taxpayers	*22,669*	10,996	62	42
Authorizing the governor to appoint a commission to prepare a code of criminal procedure, fixing the manner of submitting it to the legislature, and the compensation of the commissioners	*22,669*	11,496	63	42

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
Louisiana—Continued				
Exempting farm trucks from the commercial license tax, raising the maximum tax on gasoline from two to four cents a gallon, and authorizing the legislature to allocate one-fourth the proceeds to the parishes	12,224	*31,733*	63	22
Requiring physical equipment, fuel, and janitors' services to be paid for from a one and three-fourths mill tax, in addition to the construction and repair of buildings, as at present, in the Orleans School District	*18,745*	18,436	69	35
Authorizing the legislature to appropriate not to exceed $70,000 for the expenses of the state tax collector's office in New Orleans, instead of $50,000	*20,478*	12,820	61	38
Modifying the jurisdiction of the first City Court of New Orleans	*20,977*	11,718	60	39
Extending from 1927 until 1932 the time within which at least $3,000,000 must have been expended by a corporation for a combined system of irrigation, navigation, and water power development in order to secure for ten years an exemption from taxes upon capital stock, franchises, and property	*21,539*	11,362	61	40
Allowing Rapides Parish or any school district thereof to levy for not over ten years a special tax of not more than fifteen mills in excess of the constitutional limitation	*23,806*	11,343	65	44
Requiring the supreme court, in case any member of the pardon board is unable to act, to substitute the speaker of the house for the lieutenant governor, the first assistant attorney general for the attorney general, and another judge for the judge of the court before which conviction was had	13,487	*21,474*	64	25
Authorizing the Board of Levee Commissioners of the Orleans Levee District to reclaim land along certain shores of Lake Pontchartrain for three miles from the present shore line, to maintain parks and beaches, and for these purposes to borrow $15,000,000, providing that 15% of the reclaimed area shall be reserved for parks, instead of 1,000 feet in depth along the entire lake front of the improvements as at present	15,985	*18,460*	63	29
Maine				
(By legislature)				
Prohibiting the use of public funds for other than public institutions and public purposes	65,349	*94,148*	88	36
Maryland				
(By legislature)				
Authorizing the mayor and council of Baltimore to pay judges of supreme bench of Baltimore City additional salaries	*84,968*	68,098	44	24
Massachusetts				
(By legislature)				
Authorizing the legislature to establish in any corporate town of more than 6,000 inhabitants a form of town government providing for a town meeting limited to such inhabitants as may be elected for the purpose (present constitution permits legislature to set up city governments only when towns contain 12,000 inhabitants)	*394,538*[4]	160,837	53	37

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
Michigan				
(By legislature)				
Making the compensation of legislators $1,200 for the regular session instead of $800 as at present, and ten dollars a day for the first twenty days of a special session instead of five	189,739	*279,241*	75	30
Removing from an incumbent of the office of sheriff the restriction to four years tenure in any period of eight years	*278,329*	216,463	78	44
Making it the duty of the legislature to provide by general law for the incorporation by any two or more cities, villages, or townships or parts thereof, of metropolitan districts for the purpose of owning and operating public utilities, provided that no municipality shall surrender any utility rights without the approval of the electors thereof, and allowing the electors of such a district the power of home rule	207,993	*229,314*	69	33
Permitting the legislature to authorize municipalities to employ excess condemnation	204,859	*231,672*	69	33
Minnesota				
(By legislature)				
Providing two additional justices of the supreme court to replace the present two statutory commissioners	331,964[4]	*148,784*[6]	66	46
Promoting the forestation or reforestation of lands publicly or privately owned by authorizing the legislature to fix a definite annual tax on such lands for a term of years and a yield tax thereafter upon the product	*383,003*	127,592	70	53
Abrogating the present rule of stockholders' liability, fixed for all except manufacturing or mechanical businesses, and authorizing the legislature from time to time to prescribe the liability of stockholders in corporations	323,322	*140,422*	64	45
Mississippi				
(By legislature)				
Providing for popular election of levee commissioners by counties or parts of counties within the levee districts	*25,185*	1,004	98[7]	94
Fixing the number of levee commissioners to be elected from each county within a levee district	*24,831*	978	96	93
Montana				
(By legislature)				
Authorizing the legislature to collect a tax upon agricultural land for hail insurance, provided the tax shall not be levied in any county until the electors have voted in favor of it, unless the owner shall have consented to such a tax in writing	54,389	*67,700*	80	36
Nevada				
(By legislature)				
Adding to the subjects for which special legislation is prohibited the compensation of township officers, but permitting the legislature to empower county commissioners to regulate this matter	*13,544*	5,963	62	43
New Mexico				
(By legislature)				
Providing for the apportionment of monies derived from lands granted to the state by congress among the several funds in proportion to the number of acres granted for each object	20,338	*21,278*	38	19

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
New Mexico—Continued				
Paying legislators seven dollars for each day's attendance and three dollars for expenses instead of five dollars a day without any expense allowance	18,788	*23,560*	39	17
North Carolina				
(By legislature)				
Providing that the election returns for the state executive officers be directed to the secretary of state instead of the speaker of the house of representatives, and allowing the legislature to prescribe rules for the canvass and declaration of the result	*47,618*	24,800	20	13
North Dakota[8]				
(By legislature)				
Increasing per diem compensation of legislators from five to eight dollars a day	48,719	*86,883*	84	30
Increasing from two to six years the term of railway commissioner and providing for the election of one commissioner every two years instead of three commissioners at once	*69,214*	61,235	80	43
Ohio				
(By legislature)[9]				
Authorizing the assessment by municipalities of the cost of acquiring property for public improvements upon the lands benefited thereby, whether abutting, adjacent, or otherwise located	234,754	*352,301*	85	34
(By initiative)				
Authorizing the legislature to provide by law the manner in which all nominations for public office shall be made, preserving the right to be nominated by petition (Constitution at present provides that all nominations shall be made at direct primary elections)	405,152	*743,313*	80	28
Oklahoma				
(By legislature)				
Raising the pay of legislators from six to ten dollars a day, limiting the length of session to ninety days, and prohibiting the introduction of any bill into either house after the sixtieth day except upon the recommendation of the governor	54,007	*251,336*	80	14
Creating a special school apportionment fund of at least fifteen dollars but not to exceed sixteen dollars per annum for each pupil in average school attendance, to be raised by a state levy in excess of other constitutional limits	105,558	*223,665*	86	28
Oregon				
(By legislature)				
Permitting the issuance of bonds by Klamath County equal to the amount of the warrants outstanding in 1919	*81,954*	68,128	64	35
Permitting the board of directors of the Portland school district to levy a tax not to exceed $900,000 in excess of the 6% limitation	54,625	*99,125*	66	23
Repealing the clause which forbids free negroes and mulattoes coming into or residing in the state	*108,332*	64,954	74	47
Prohibiting any tax upon inheritances or incomes and forbidding the submission of any amendment of this provision before 1940	59,442	*121,973*	78	25
Providing that if an officer is recalled, the vacancy shall be filled immediately in the manner provided by law, instead of by an election accompanying the recall vote	*100,324*	61,307	69	43

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
Oregon—Continued				
Authorizing Curry County to ratify and pay all unpaid warrants outstanding in 1925 and to levy taxes in excess of the present constitutional limitations	*78,823*	61,472	60	34
Authorizing Klamath and Clackamas counties to issue bonds equal to the amount of warrants outstanding in each at certain dates	*75,229*	61,718	59	32
Providing that vacancies in elective state, district, county, or precinct offices shall be filled at the next general election only if the vacancy occur twenty days at least before such election	*100,397*	54,474	66	43
South Carolina				
(By legislature)				
Providing for election of members of the house of representatives every four years	3,947	*6,147*	64	23
Twenty-three proposals relating to limitations upon the bonded indebtedness of counties, cities, towns and townships, all of which were adopted	2,882 to *3,249*	2,202 to 2,608	33	19
(Average)	3,065	2,450		
Authorizing certain counties (two) to exempt furniture factories, pulp or paper mills, and tobacco factories, from county taxes for five years	*2,929*	2,278	31	18
Authorizing certain counties (two) to exempt manufactories from county taxes for five years	*3,035*	2,377	33	18
Authorizing certain counties (23) to exempt cotton and textile enterprises from county taxes for five years	*3,341*	2,884	37	20
Exempting the Tugaloo River from the section of the constitution relating to eminent domain	*2,879*	2,425	32	17
South Dakota				
(By legislature)				
Raising the salaries of the state elective executive officers and of the legislators, —the governor's from $3,000 to $7,500 and legislators' from five to ten dollars for each day's attendance	55,670	*117,866*	94	30
Texas				
(By legislature)				
Subjecting to taxation, except for state purposes, all agricultural or grazing school lands owned by any county, to the same extent as land privately owned	*91,158*	44,254	51	34
Abolishing the Board of Prison Commissioners and authorizing the legislature to provide for the management of the prison system	*85,629*	47,740	50	32
Making it possible for officers and enlisted men of the National Guard, National Guard Reserve, etc., to hold other state offices and receive the emoluments thereof	*78,590*	58,416	52	30
Eliminating the provision which authorizes the legislature to create special school districts	*79,267*	51,569	49	30
Washington				
(By legislature) [4]				
Paying members of the legislature $300 per annum instead of $5 per diem with a maximum session of sixty days	75,329	*120,158*	57	22
Authorizing the legislature to provide for the forestation or reforestation of lands and to fix a definite tax for a term of years, or a classification rate, and also levy a yield tax at the end of such term or upon the products of such land	87,158	*107,524*	57	26

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
West Virginia				
(By legislature)				
Permitting the classification of property for purposes of taxation	111,927	*159,653*	64	26
Making the governor, instead of a budget commission, responsible for formulating the budget	126,125	*134,842*	61	30
Wisconsin				
(By legislature)				
Providing for the recall in the state, counties, and congressional, judicial, and legislative districts	*205,868*	201,125	74	38
Authorizing the legislature to fix the salary of the governor at not less than $5,000 (Constitution at present provides $5,000)	*202,156*	188,302	72	37

MEASURES SUBMITTED TO THE VOTERS BECAUSE OF SPECIFIC CONSTITUTIONAL REQUIREMENT, OR BY VIRTUE OF REFERENDUM PETITION, OR AT THE OPTION OF THE LEGISLATURE

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
Arizona				
(By petition)				
Regulating stock quarantine, meat inspection, slaughter and sale; requiring licenses	9,184	*35,642*	56	12
(By legislature)				
Repealing the laws relating to the preservation of game and fish (including an initiated measure of 1916), and directing the legislature to enact a game and fish code	22,058	*28,317*	63	28
California [4]				
(Required by constitution)				
Providing a bond issue of $20,000,000 to assist war veterans to acquire farms or homes	*705,398*	219,230	76	58
(By petition)				
Requiring those dealing in oleomargarine to pay, in addition to the annual license, a tax of two cents a pound	287,703	*748,640*	85	24
Illinois [4]				
(Required by constitution)				
Authorizing the lease of the Illinois and Michigan Canal and its right of way or any portion thereof between Joliet and the Chicago River	808,718	*417,039*[6]	64	42
Kentucky				
(Required by constitution)				
Providing a $5,000,000 bond issue for penal, charitable and correctional institutions	131,472	*149,587*	50	23
Providing a $4,000,000 bond issue for paying outstanding warrants of the commonwealth and interest accrued thereon	107,503	*154,756*	47	19
Michigan				
(Required by constitution)				
Proposing a constitutional convention	119,491	*285,252*	64	19
Missouri				
(By petition)				
Providing a system of workmen's compensation and creating a commission to administer it	*561,898*	251,882	83	57
Montana				
(Required by constitution)				
Increasing the state tax on real and personal property five mills to provide for the maintenance of the public schools	53,143	*86,897*	91	35
Nevada				
(By petition)				
Resolution of the legislature recognizing that constitutional prohibition has failed and applying to Congress to call a constitutional convention to propose an amendment to the present Eighteenth Amendment	*18,131*	5,352	75	60
Part of the preceding resolution reading as follows: "Experience has demonstrated that the attempt to abolish the recognized abuses of the liquor traffic by the radical means of a constitutional amendment has failed generally of its purpose"	*17,332*	5,607	74	56
New York				
(By legislature)				
Obtaining the judgment of the qualified voters upon the question whether the Congress of the United States should modify the federal prohibition act so that it would not apply to beverages not in fact intoxicating as determined by the laws of the respective states	*1,763,070*	598,484	79	60

SEE FOOTNOTES ON PAGE 661

CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
North Carolina				
(Required by constitution)				
Authorizing a bond issue of $2,000,000 to aid World War veterans to obtain homes	*65,951*	26,084	25	18
Oklahoma				
(By petition)				
Repealing the labeling of convict-made goods	102,660	*192,484*	77	27
Repealing the free textbook law	120,210	*187,369*	80	32
(Required by constitution)				
Calling a constitutional convention in 1927	47,510	*241,040*	76	12
Oregon				
(Required by constitution)				
Creating a normal school at Seaside, Clatsop County	47,878	*124,811*	74	21
Creating an Eastern Oregon State Normal School	*101,327*	80,084	78	43
Establishing a tuberculosis hospital in eastern Oregon	*131,296*	48,490	77	56
(By petition)				
Transferring to the state general fund 10% of the receipts of practically all state boards supported by fees, licenses, or taxes, and deducting the same from the revenue available for such boards	46,389	*97,460*	62	20
Imposing an excise tax upon the sale of cigarettes and tobacco	62,254	*123,208*	79	27
Imposing a license tax upon motor vehicles used as common carriers for persons or property upon the public highway	*99,746*	78,685	76	43
Rhode Island				
(Required by constitution)				
Authorizing a bond issue not to exceed $3,000,000 for a bridge between Providence and East Providence	*60,365*	8,693	40	35
Authorizing a bond issue not to exceed $600,000 for a new building at the Rhode Island State College	*56,810*	11,226	40	33
Authorizing a bond issue not to exceed $600,000 for the Rhode Island College of Education	*52,157*	12,527	38	31
Authorizing a bond issue not to exceed $850,000 for a court house in Providence and $25,000 for one at Newport	*39,905*	15,740	33	23
Authorizing a bond issue not to exceed $925,000 for a state office building at Providence	*36,646*	16,845	31	21
Authorizing a bond issue not to exceed $500,000 for the construction and repair of bridges	*50,015*	9,800	35	29
Authorizing a bond issue not to exceed $1,125,000 for the construction and reconstruction of buildings at penal and charitable institutions	*52,620*	8,684	36	31
South Dakota				
(By petition)				
Transferring the depositors' guarantee fund to a Depositors' Advisory Commission consisting of the superintendent of banks and three others appointed by the governor, and empowered to pass upon applications for charters for new banks	79,823	*95,830*	95	43
Wisconsin				
(By legislature)				
Proposing a resolution that congress amend the Volstead Act to authorize the manufacture and sale of beer of an alcoholic percentage of 2.75% by weight under government supervision but with the provision that no beverage so purchased should be drunk on the premises where obtained	*349,443*	177,602	96	64

SEE FOOTNOTES ON PAGE 661

MEASURES INITIATED BY POPULAR PETITION, EXCLUDING CONSTITUTIONAL AMENDMENTS

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
Arizona				
Providing for a one mill road tax, passenger capacity tax, truck tonnage tax, gasoline tax, and regulating the expenditure of the proceeds of these taxes	8,423	*40,622*	61	9
Establishing a Motor Vehicle Department under an elective commissioner and fixing a motor registration tax as the only tax upon non-commercial automobiles	11,081	*41,494*	66	14
Arkansas				
Repealing the full crew law	65,810	*81,899*	96	43
Changing the time for the election of state, county, and township officers to the Tuesday after the first Monday in November	*101,867*	24,837	83	66
California				
Placing an additional tax of one cent a gallon on motor vehicle fuels and regulating the expenditure of the proceeds	499,415	*539,343*	86[1]	41
Permitting pari-mutuel betting within race-track enclosures upon payment of a license fee, limiting the licensee's return to 9% on the investment, and allotting the net proceeds to the Veterans' Welfare Board and the State Agricultural Board	362,299	*661,367*	84	30
Repealing the Wright prohibition enforcement law	502,258	*565,875*	88	41
Colorado				
Permitting licensed dentists or physicians from other states to give clinics for educational purposes before dental schools or bodies of dentists, and providing that nothing in the act shall be construed to mean that it is unprofessional to advertise or to charge low fees for dental work	56,433	*182,816*	78	18
Laying a tax of three and one-half cents a gallon on gasoline, apportioning the proceeds of the tax to state, counties, and municipalities, and fixing the license fee for motor vehicles	81,762	*145,482*	71	27
Illinois				
Taking the sense of the voters on the question whether the Congress of the United States should modify the Federal Prohibition Act so that it would not apply to beverages that are not in fact intoxicating as determined by the laws of the respective states	*840,631*	556,592	73	44
Massachusetts				
Providing for the addition of 5% to the score of a civil service examinee if a war veteran, and 10% if a disabled veteran, instead of placing all disabled veterans at the head of the eligible list and all other veterans above all non-veterans	352,796	*381,895*	72	34
Missouri				
Repealing the workmen's compensation law of 1925 and providing a system of compensation with considerably higher rates, and requiring the employer's liability to be carried with the Missouri compensation insurance fund	160,645	*612,392*	78	16
Permitting the legislature to grant cities the right to establish pension systems for police officers and for widows and minor children of deceased officers	*523,634*	277,450	81	53
Repealing the prohibition enforcement law of 1919 and its amendments	294,388	*569,931*	88	30

SEE FOOTNOTES ON PAGE 661

MEASURES INITIATED BY POPULAR PETITION, EXCLUDING CONSTITUTIONAL AMENDMENTS—*Continued*

STATE AND SUBJECT	VOTE		PERCENTAGE OF VOTE FOR OFFICIALS CAST ON THE PROPOSITION	PERCENTAGE OF VOTE FOR OFFICIALS CAST FOR THE PROPOSITION
	FOR	AGAINST		
Montana				
Repealing the prohibition law	*83,231*	72,982	102	53
Increasing the gasoline tax from two to three cents a gallon, devoting all the proceeds to highway purposes, and limiting the engineering and administrative costs to 8%	*114,763*	42,232	102	74
North Dakota				
Levying a tax of two cents a gallon on gasoline	*65,813*	57,374	80	43
Oklahoma				
Providing a procedure for testing any tax levy and striking out the illegal portions before the levy should be spread	*182,012*[10]	68,975	65	47
Making the average ad valorem tax rate the basis for the gross production tax rates for the succeeding year; the tax upon crude oil and natural gas to be the same as the ad valorem rate, and the tax on asphalt, lead, zinc, and other ores, to be one-sixth the ad valorem rate	76,652	*220,382*	77	20
Requiring serial bonds to be used hereafter, the first payment to be due not less than three years from the date of issue, and all issues aggregating $5,000 to be sold at an advertised sale	114,479	*165,288*	73	27
Oregon				
Levying a progressive tax on incomes with provision for an offset from such tax of all property taxes paid during the income year	50,199	*122,512*	74	21
Requiring annual license fees for the operation of busses and trucks on the public highways by transportation companies, deducting from these fees the amounts paid for registration of such vehicles	76,164	*94,533*	73	33
Prohibiting the use of fish wheels in the Columbia River and the use of fish traps and seines in this river east of cascade locks, and prohibiting licenses for the use of gill nets of more than 250 fathoms length	*102,119*	73,086	75	44
Levying a progressive income tax	83,991	*93,997*	76	36
Creating the Oregon Water and Power Board with full authority to conserve, develop, and distribute electric energy and water for irrigation and domestic purposes, and to issue bonds not to exceed 5% of the state's valuation	35,313	*147,092*	78	15

SEE FOOTNOTES ON PAGE 661

PROPOSITIONS SUBMITTED TO THE VOTERS IN THOSE STATES IN WHICH THE INITIATIVE AND REFERENDUM, OR EITHER, MAY BE EMPLOYED, 1925

STATE AND SUBJECT	VOTE	
	FOR	AGAINST
Maine		
(Constitutional amendment submitted by legislature)		
Authorizing a bond issue for a bridge across the Kennebec River	*54,107*[11]	8,228
Authorizing the issue of highway and bridge bonds	*49,821*[11]	10,332
(Proposition submitted by legislature)		
Creating a corporation for developing and using the power of the tides in the Bay of Fundy	*53,547*[11]	7,220
(Statute referred by petition)		
Relating to standard time	*34,414*[12]	28,454
Defining certain grades of milk offered for sale within the state	19,607[12]	*38,056*
Ohio		
(Constitutional amendment by legislature)		
Providing that hereafter the legislature shall tax all real estate and tangible personalty, except motor vehicles, by a uniform rule, and intangible personalty as provided by law	435,944	*501,221*
Providing four year terms for governor, lieutenant governor, secretary of state, auditor, treasurer, and attorney general, and for all elective county officials	325,451	*543,183*
Forbidding bonds or other evidences of indebtedness to be issued by any county, school district, or municipal corporation for current operating expenses or for any property or improvement having an estimated usefulness of less than five years; forbidding bonds to be issued for a longer term than the probable period of usefulness of the improvement and authorizing the legislature to fix a maximum maturity period for bonds issued for any purpose	450,218	*535,251*

[1] The prevailing vote is printed in italics.
[2] These percentages are based on the total vote cast for all candidates for the office for which the highest number of votes was cast in the state, such as, usually, the office of governor or United States senator.
[3] Submitted at an election held October 5, 1926.
[4] Based on total vote cast, officially reported. This is practically always somewhat higher than the vote for any particular office.
[5] Petition held inadequate by the supreme court.
[6] The constitution requires a favorable majority of those voting at the election, for adoption.
[7] The vote cast for candidates was furnished by W. T. Parker, Mississippi A. and M. College.
[8] Submitted at the primary election, June 30, 1926.
[9] Submitted at the primary election, August 10, 1926.
[10] After approval by popular vote, held unconstitutional by supreme court.
[11] September 14, 1925.
[12] December 7, 1925.

RECENT BOOKS REVIEWED

JAMES BRYCE (VISCOUNT BRYCE OF DECHMONT, O. M.). By H. A. L. Fisher. 2 volumes. New York: The Macmillan Co. $8.00.

James Bryce was almost as much of an American character as a British one. His frequent visits, his intimate associations, his *American Commonwealth*, his ambassadorship, made him known and endeared him to Americans. No other man has written so searching a study, analysis and criticism of another country, and retained its respect and affection as James Bryce, British historian and parliamentarian. No other book of its kind, I take it, has been so widely and frequently quoted as these two volumes. During my 25 years of active association with the National Municipal League I heard or read Bryce's indictment of American municipal government on an average twice a week and even now, nearly two generations since its publication, it is used as a text. Indeed *The American Commonwealth* may appropriately be regarded as marking the turning point in history of our municipal life. In those days—the seventies and eighties—our municipal government was regarded as the "conspicuous" failure in our government, indeed we are indebted to Bryce for the phrase which unquestionably served to stimulate thinking Americans to their duty.

More than 150,000 copies of this great work have been sold in this country and I believe the demand continues. It is on the shelves of private and public libraries and a standard textbook in American schools and colleges. Notwithstanding its searching, and at times its relentless, criticism of the timidity and corruption of state legislatures, the enormous mass of ill-digested legislation, the spoils system, the party boss, the deplorable failure in many cases of city government, the evidence of corruption in the state judiciary, the general contempt for the political class, at the time of his death he was described as "the greatest influence in bringing together the two branches of the English speaking race."

One of the stories Fisher tells discloses the hold Bryce had on Americans. One day while he was ambassador, "two miners boarded a railway car in Nevada. After a long pause one observed to the other, 'Ole man Taft is all right.' To which in due course, the answer came 'Yes, ole man Taft is all right.' 'And ole man Bryce is all right,' resumed the first speaker. 'Yes, ole man Bryce is all right,' and having thus exhausted the world of politics the two speakers relapsed into silence." Bryce loved our democratic ways, was himself a good mixer, and during his six years as ambassador he made friends everywhere, was interested in everything American and seemed to impress everyone with his integrity, geniality and friendliness.

Warden Fisher has done a distinguished piece of work in these two admirable volumes. He makes James Bryce stand out clearly and definitely as a power for progress, because of the clearness and accuracy of his vision and his great ability to express himself calmly and at the same time forcibly. Bryce was an omnivorous reader and a keen observer who seemed never to forget a thing he had seen or heard. Most men who have such memories lack the power of coördination or the power of expression or both. He had all three capacities in a superlative degree.

He was always inquiring and these volumes abound in instances which illustrate his methods of getting at the inside of things. Warden Fisher has the same sense of humor that characterized Bryce and consequently we have many an entertaining page. Indeed there is scarcely a page which is without deep interest, profit or entertainment.

We have here set forth the story of his Scottish childhood, his student days, his travels all over the world, for he was an indefatigable traveler, his years in Parliament, his books, his visits to America, his temporary unpopularity because of the stand he took in regard to the Boer War, his visit to the battle front of the Great War at the age of seventy-eight, and his work for a League of Nations. The letters to some of his American friends and the incidents of his friendships with other prominent Englishmen show the fine generosity and geniality of his character.

His chief Philadelphia correspondent was Henry Charles Lea, the historian and supporter of civic movements. An illuminating story is told of their first meeting. Bryce went to see Lea because of his activities as a municipal

reformer, but they got into a discussion of the Forged Decretals, on which Lea as a historian of the Middle Ages was an authority and a second interview had to be arranged to give Bryce an opportunity to get the data he needed about Philadelphia.

Here we have a worthy life of a worthy man and a work of profound interest to every student of politics and government.

CLINTON ROGERS WOODRUFF.

*

GETTING OUT THE VOTE—AN EXPERIMENT IN THE STIMULATION OF VOTING. By Harold F. Gosnell. Chicago: The University of Chicago Press. 1927.

Doubtless many would be well content to see the gusty agitation of the Get-Out-the-Vote campaigns of 1924 subside completely, never to stir again. Prophets of futility were not lacking amid the hub-bub of campaign itself—if voters do not vote, why and how should they be forced to the distasteful act? When the outcome of the presidential election showed the proportion of voters and non-voters in the nation still practically unmoved at half-and-half, many citizens, manufacturers and others, who had patriotically joined in the crusade were disposed to sigh regretfully and abandon the recalcitrant voter to a slacker's fate.

Yet there are signs that the Get-Out-the-Vote campaigns have at least cleared the air and that they generated fresh currents of interest now blowing straight upon the basic problem of non-voting itself. To those who understand that non-voting is a problem for scientific study and solution, the data and the suggestions in Mr. Gosnell's book are of inestimable value.

The experiment reported is of successive attempts by a non-partisan mail appeal to stimulate registration and voting in selected districts of Chicago. It supplements the ground-breaking study previously published by Professor Charles E. Merriam and Dr. Gosnell under the title "Non-Voting: Causes and Methods of Control."

The basis of the experiment lies in the tabulation of social data regarding each of six thousand citizens in districts typical of the different racial and economic communities of the city. Its success depended on getting the data, as complete as humanly possible, on every one of the adult citizens within the districts selected.

The difficulty of securing information of this nature of an accuracy scientifically acceptable is the chief deterrent to research in this field. In this case resort was had necessarily to personal canvass by trained interviewers—a laborious, exacting task, and one not without risk to life and limb in some neighborhoods of a great metropolis.

The forms of stimuli used were simple—a registration notice with information about the time and place of registration, a second notice either factual or of the cartoon variety, and a notice of the necessity of re-registration after the presidential election and before the municipal election. The response was measured by the difference in registration and voting percentages between the citizens to whom the notices were mailed and an approximately equal number of "unstimulated" citizens. Every effort was made in dividing the groups in each district to be sure of similarity of kind and condition and to eliminate all variables acting unequally upon the two save for the one factor of the stimulus applied.

Here then we have a thoroughly scientific study of an experiment to stimulate citizens to vote. The results—analyzed by numerous classifications—are to be had for the reading, made easy for the eye (after once the system is solved) by many elaborately demarcated statistical "pies."

It is cheering on any count to be assured that voting percentages can be appreciably increased by notifying citizens of the time and place of registration, and of the candidates and issues to be voted upon. A system of notification of such simple information is not an impossibility in a modern state. It is valuable to know the groups among which a non-partisan mail canvass is more effective than the exhortation of the party worker. It is valuable to know that voting stimuli of this type are particularly successful among citizens who are habitual non-voters, or those whose voting habit is not yet established, as among new residents in the city, and among women, especially those of foreign birth who acquired citizenship through marriage and those in domestic employment. Simple election machinery, with provision for notification, and political education in simple terms adapted to the needs of special groups are the remedies which emerge.

Civic organizations, especially those like the League of Women Voters which is concerned primarily with the voting effectiveness of women,

may profit greatly by Mr. Gosnell's guide-posts to the goal of a functioning electorate.

GLADYS HARRISON.

National League of Women Voters.

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REPORT OF THE JOINT LEGISLATIVE COMMITTEE ON ECONOMY AND TAXATION OF THE EIGHTY-SIXTH GENERAL ASSEMBLY, STATE OF OHIO. December, 1926. Pp. 270.

This report represents a sincere effort to analyze the tax situation in the state of Ohio. The Joint Legislative Committee submits a convincing case for the enactment by the legislature of a multitude of proposals designed to promote both economy in government and equality and simplicity in the taxation system.

With reference to recent legislation relaxing the inflexibility of the tax rate limitation system, the committee feels that "substantial progress has been made in remedying the taxation ills and financial practices which threatened the continued operation of a great many of our local governments." But the committee is repeatedly emphatic on the point that direct control on the issue of bonds and on the expenditure of money by local subdivisions is a sounder policy than a tax rate limitation system. The habit of borrowing for deficiency purposes and the indulgence in the practice of the refunding of bonds receive vigorous condemnation. The committee endorses the pay-as-you-go plan for financing recurring capital expenditures and recommends the further extension of the principle of debt limitations for local governments. In an effort to gauge the significance of the upward trend of governmental costs, it is compared with such things as the trend of commodity prices, wages, the growth of assessed valuation, the growth of population, the growth of wealth, social income and the trend of tax delinquencies. It is found that the rate of increase in the cost of local government, expressed in terms of taxes levied, exceeds the rate of increase for each of these other factors either for the entire period studied or since 1920. Based upon the 1913 dollar the real tax burden has increased 139 per cent since 1910. Most of this increase has come since 1920. The report in this section also presents interesting facts on the increasing indebtedness of local governments. Particularly significant is the rapid rate of increase of school indebtedness during the past fifteen years.

Sections II and III analyze and discuss the state revenue system; the financial outlook for the state government; budget and appropriation practice; a financial program for the state; the general property tax and a model tax program; and the growth of delinquencies. The committee finds the budget system unsound. To remedy this situation they urge more detailed estimates of probable revenues, the use of joint legislative committee sessions to handle financial matters, the discontinuance of existing semi-official funds and rotary funds and appropriations without estimate, the lapsing at the end of each fiscal year of the unencumbered balance of all current expense appropriations. To relieve the immediate financial stringency the committee recommends an increase in the rate of the corporation franchise tax, the enactment of a mortgage recording tax, a stamp tax upon conveyances and deeds, higher excise taxes for certain classes of public utilities, and a billboard tax. The committee argues at considerable length for the abolition of the "uniform rule." Without a constitutional amendment effecting such a change, a thorough and satisfactory revision of the Ohio tax system is impossible. Such a revision in the opinion of the committee should adopt many features of the model tax program prepared by the National Tax Association. Supplementary to this suggestion the committee presents a hypothetical application to Ohio of certain taxes in the model tax plan. An astonishing and dangerous situation has developed in Ohio in the growth of delinquent taxes. The principal remedy here urged is more vigorous administration by the tax collecting authorities.

A special section of the report concerns itself with the state aid system for school districts, the reorganization of the school district system, school housing, and entrance requirements to state universities and colleges. Serious criticisms of the present system of state aid are presented, and a new plan for supporting a statewide minimum educational standard set forth. Associating the state and the county in the financing of the minimum standard is the important feature of the plan proposed. The committee finds the present system of a multiplicity of local school districts financially uneconomical and educationally unsound. They urge amending the statutes so as to provide for the formation of a county school unit where such a proposition is approved by popular referendum. They also urge the compulsory elimination of the

smallest districts. The committee does not favor increased tuition fees for students in the state universities and normal school. They recommend, however, restricting enrollment in the state institutions of higher learning by means of more rigid entrance requirements. A final section of the report deals mainly with the reorganization of county and township government. For the county, the committee urges a short ballot and a simple and more efficient type of organization. To achieve this end and also to organize county government in accordance with the needs of widely differing regions, a constitutional amendment is proposed empowering the legislature to enact optional as well as general county government laws. The committee recommends the immediate abolition of the township and the transfer of its remaining functions to the county.

The report contains many valuable features. Numerous tables and graphs show the results of careful and painstaking research. A serious inadequacy of the report is the failure to include a study of the tax burden on different classes of industry and business. While such a study has been undertaken, it is unfortunate that it could not have been included in the present report. The committee received able assistance from a very competent staff organization headed by Leyton E. Carter of the Cleveland Bureau of Municipal Research.

MARTIN L. FAUST.

PHILADELPHIA. By Horace Mather Lippincott, with a foreword and illustrations by Thornton Oakley. Philadelphia: Macrae Smith Company, 1926.

The volume on Philadelphia, published in the sesqui-centennial year, furnishes quite a detailed history of the early Quaker settlement, lists of the old families, descriptions of the old buildings, first roads and parks and accounts of the activities of the early Philadelphians in social life, in military service, in medicine, in fine arts, in the natural sciences, philosophy and in education.

Philadelphia has occupied first place on so many historical occasions, both in Colonial times and in the national period, that Mr. Lippincott's book should prove an effective reminder to all Americans as well as to citizens of Philadelphia of the service which this Quaker settlement has rendered to the nation. Though the chapters are presented with such detail of family history that it is probable they will be read more assiduously and more thoroughly by Philadelphians than by the general public, the illustrations by Thornton Oakley cannot fail to arouse the interest and admiration of all who look at the book. The sketches of the interesting old buildings have charm, character and atmosphere.

Every city planner and architect doing work in Philadelphia could find inspiration and suggestion from this volume.

HARLEAN JAMES.

A NATION PLAN: A BASIS FOR COÖRDINATED PHYSICAL DEVELOPMENT OF THE UNITED STATES OF AMERICA, WITH A SUGGESTION FOR A WORLD PLAN. By Cyrus Kehr, with forewords by Frederic A. Delano and Raymond Unwin. New York: Oxford University Press, 1926.

Mr. Kehr's book on the Nation Plan, issued by the Oxford University Press, presents in some thirty-five pages, mainly through the use of quotations from famous men, the conception of Nation Planning and its expected achievements. The bulk of the book, in some one hundred and twenty-five pages, is given over to methods and routes of communication.

Mr. Kehr devotes five pages to the military factors and five and a half to the civil factors of Nation Planning.

There is a chapter on the National Capital which includes recommendations for a change in the form of government. The book concludes with three pages on World Planning.

The fifty illustrations are well chosen and excellently reproduced.

HARLEAN JAMES.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, Georgetown University

Eminent Domain—As a Basis for Zoning.—We desire to call the especial attention of the readers of this department to the article published in this issue on the subject of Zoning in Minnesota, by Professor William Anderson. The experience of Minnesota in trying out the plan of basing zoning upon the power of eminent domain is very instructive, and has not heretofore been adequately treated by any other writer. The author is the director of the Bureau of Research and Professor of Political Science in the University of Minnesota and well known through his book on *American City Government* and his recent study of extra-territorial powers of cities.

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Streets and Highways—Title of Public, by Prescription.—In *Borough of West Long Branch* v. *Hoch*, which was recently reported in 138 Atl. 106, the Court of Chancery of New Jersey held that the adverse use by the public of a projected street through private property for the statutory period gave the public title not only to the part actually used for travel but to the entire width as originally planned by the owner. The generally prevailing rule is that adverse use of roads by the public gives right only to the used portion (*State* v. *Thompson*, 91 Mo. App. 329). In the instant case, the owner of the fee in 1892, for his own convenience and with the intention of opening a street whenever the owners of lands to the north should dedicate a street through their property, graded a strip for a roadway the full length. Later he graveled a portion for a driveway and used it himself and gave permission to one of his neighbors to use it. Soon it came to be used by the public, and the township and later the borough did some improvement work on the traveled portion. Although the owner of the fee never dedicated the street and from time to time endeavored to prevent the public from driving over the untraveled part by laying down obstructions, the court held that the adverse use gave the public title to the entire width of the street as originally planned, and that the acts of the defendants in attempting to keep the public off the unimproved portion did not constitute an interruption of the continuous adverse use.

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Validating Acts—Scope and Effect.—In *Graham County* v. *W. K. Terry & Co.*, 138 S. E. 443, the Supreme Court of North Carolina held that its acts of March 4, 1927, validating certain bonds of the county was not conclusive, but was modified by a subsequent act on the ninth of March requiring the submission of the first act to the approval of the electors of the county. The county tendered the bonds to the defendant which had contracted to purchase them, although the approval of the electors had not been obtained. The purchaser had refused to take the bonds unless a validating act were passed, the indebtedness of the county having reached a point that required such an act. The contention of the county was that the statute of March 4 conclusively made the issue legal and that the later statute violated the federal and state provisions against impairing the obligations of a contract. The court held, however, that both statutes were *in pari matiria* and must be construed together. It may be doubted whether the court would have maintained this position had the purchaser of the bonds been the party insisting upon the performance of the contract. The rights of the county as an agency of the state so far as they are derived from the exercise of delegated governmental powers are subject to the control of the state and upon this ground the decision seems to be defensible.

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Torts—Liability for Negligence in Operation of Water System.—The generally accepted principle of liability of a municipality for damages due to negligence in the operation of a water works system is that the injured party may recover upon the ground that the city in deriving a revenue is engaged in a proprietary as distinguished from a governmental enterprise. On the other hand if the damages result from the operation of that part of the system which serves only for fire protection, the city as engaged in a

public or governmental enterprise is held immune from suit. While in both cases the city is in fact performing local services, these principles are so well rooted in American law that we may not expect their inconsistency to be removed until the state legislatures see fit to change them.[1]

An example of this conflict is illustrated in the case of *City of Richmond* v. *Virginia Bonded Warehouse Corporation*, 138 S. E. 503, decided by the Supreme Court of Virginia. The plaintiff had contracted with the city for water to supply a sprinkler system which it had installed in part of its plant. In extending the system to a new building it was necessary to make connections with the pipe already installed, and the contractor in charge requested the city water department to cut off the water from the city mains for that purpose. The agent of the city by mistake turned off a valve connecting dead pipes and upon the cutting of the factory main the warehouse was flooded, resulting in heavy damages to the building and its contents.

The city defended upon the ground that the service to be supplied was a fire protection service and therefore the principle of immunity from action for negligence applied. The Supreme Court, however, held that that principle could not be extended to cover the facts of the case, in which the water furnished was part of the commercial service to be paid for as for domestic or manufacturing uses.

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Powers—City's Power to Cede Navigable Waters under Statutory Authorization.—In *City of Milwaukee* v. *State, et al.*, 214 N. W. 820, recently decided by the Supreme Court of Wisconsin, the question of the power of the city to cede to the Illinois Steel Company a large area of land covered by the navigable waters of Lake Michigan was before the court. Milwaukee is engaged in a "gigantic project" in constructing in the outer bay a new harbor for lake shipping, essential to the maintenance of the commercial position of the city and of the state of Wisconsin. In furtherance of the plans adopted, it became necessary to acquire certain riparian lands of the Steel Company on the inner harbor, and under authority of a statute the city contracted to purchase them by the exchange of other lands under navigable waters, which had been ceded to it by the state for the improvement. Such lands are held in trust by the state for the public and the city's title was consequently charged with the same trust. As the power of the legislature to transfer such trust lands under any consideration or for any purpose to a private corporation had never been litigated in Wisconsin, this action was instituted to obtain a judicial determination of this important question.

In holding that the trust doctrine of navigable waters was not to be enforced to the extent of preventing great public improvements, the court followed the doctrine of the United States Supreme Court in *Illinois Central R. R. Co.* v. *Illinois*, 146 U. S. 387, decided in 1892, in which that court sustained the grants to the railroad company on the ground that they did not impair substantially the public interest in the lands and waters remaining. In the instant case the evidence showed conclusively that the proposed exchange of lake lands would not only not be detrimental to the interest of the public, but on the other hand was required in order to carry out an enterprise designed to increase greatly the navigability of the Great Lakes. The opinion of Justice Doerfler is well worth reading, covering as it does both the history of the enterprise and its social and economical bearing as well as a masterly discussion of the trust doctrine as it relates to navigable waters.

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Zoning—Remedies of Property Owners Damaged by the Failure to Enforce Ordinances.—In *Siegemund* v. *Building Commissioner of Boston*, 156 N. E. 852, the Supreme Judicial Court of Massachusetts holds that upon failure of the building commissioner to act to prevent a violation of a zoning ordinance, any person aggrieved may proceed by mandamus to compel him to enforce the law. Although the petitioner did not allege that he would suffer any special damage, the court held that as the owner of contiguous property, he plainly came within the description "any person aggrieved" to whom the statute gave a right to protest to the municipal authorities, and upon their failure to act to appeal to the court for relief. The decision follows that laid down in *Ayer* v. *Commissioners on Height of Buildings in Boston*, 242 Mass. 30, 136 N. E. 338, and the recent case of *Brooks* v. *Secretary of Commonwealth*, 153 N. E. 322.

The remedy of the abutting owner to compel compliance with the provisions of the zoning law

[1] This immunity does not obtain in England, nor in our admiralty courts. Florida does not apply it to cities organized under the commission form of government.

when no special method of procedure is fixed by statute may be by an injunction, where the petition includes an allegation of special damages so as to lay the foundation for the jurisdiction of a court of equity. Indeed, unless the remedy given the aggrieved property owner by statute or local law is exclusive, there seems to be no reason why the owner, who can show that the violation of the ordinance will result in special damage to his realty and that the proper officers have refused to act to prevent the injury, may not resort to a court of equity to protect his rights. An interesting note on these questions was contributed by Edward M. Bassett to the September issue of *American City*, wherein he calls attention to a decision in Connecticut, *Fitzgerald* v. *Merard Holding Co.* (not yet reported), in which the Supreme Court of Errors, Third Judicial District, granted an injunction at the suit of a private individual against the violation of the zoning code of the town of Greenwich.

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Indebtedness—Attempts to Evade Constitutional Limitations.—The question whether constitutional or statutory limitations upon municipal indebtedness cover the gross payments under contracts for services or materials to be received and paid for in annual installments has been differently decided by the highest courts of several states, but the majority opinion follows that of the Supreme Court in *Walla Walla* v. *Water Company*, 172 U. S. 1, in holding that a stipulation for an annual rental for water or gas, for example, covering a series of years should be sustained, although the aggregate of rentals to be paid during the life of the contract may exceed the debt limitation. An attempt to stretch this doctrine to cover the purchase of land by installments recently came before the California Supreme Court in *Mahoney* v. *San Francisco*, 257 Pac. 49. The city and county of San Francisco entered into two contracts, one to acquire 60 and the other 170 acres of land for the development of municipal golf courses. The contracts were in the form of leases, with varying rental over a period of ten years, the total installments amounting in one case to the option price of $240,000 for the land, including interest on deferred payments. The contracts further provided for immediate possession and the payment of all taxes by the lessee, which also bound itself to park the property, lay out golf courses, crest club houses, etc., involving an expenditure during the period of the lease alleged to amount to more than a million dollars. In a taxpayer's suit to cancel these contracts, which the lower court had ordered dismissed, the Supreme Court holds that clearly the contracts call for the purchase of the property and the assumption of heavy obligations by the municipality, which may bring the debt beyond the constitutional and charter restrictions and therefore may warrant the granting of the relief prayed for.

This case is practically on all fours with the celebrated Marina case[1] in which, upon the same grounds, the court refused to uphold a contract made in 1924 with the Exposition Company, by which the latter was to acquire the Marina, make improvements upon the same and lease it to the city at an annual rental of $185,000 which the lessor was to apply to the liquidation of a mortgage of $1,800,000, upon the consummation of which plan title to the property was to be vested in the municipality. This the court held was in effect a contract to purchase the property on the installment plan and violated the debt limitations of the state constitution and of the charter.

[1] *San Francisco* v. *Boyle*, 195 Cal. 426 (1925), 233 Pac. 965. Tooke's *Cases on Municipal Corporations*, p. 773.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Long Island Commutation Rate Case.—On August 1, the city of New York completed the presentation of its proof, and the hearings in this case were closed. The case had been conducted jointly by the Public Service Commission and the Transit Commission of New York. The latter has jurisdiction over the rates within the city of New York, and the former over rates outside of the city of New York. No interstate rates were involved.

This has been one of the outstanding recent cases that have illustrated the difficulties in our complicated and diffused rate procedure. The Long Island Railroad Company filed a new schedule of rates, a 20 per cent increase, on June 24, 1924. The new tariff was immediately suspended, and the two commissions jointly proceeded with an investigation to determine the reasonableness of the increase. The city of New York appeared as the principal opponent, assisted, however, by the Long Island Commuters' Association, also by counsel representing minor groups of citizens. A wide range of questions was considered, and various collateral inquiries were made; over three years expired before the investigation was completed. The more important aspects of the case will be briefly presented.

JURISDICTION OF THE COMMISSIONS

There is first the question of jurisdiction. The Long Island Railroad Company operates only within the state of New York, and the commutation rates apply only to passengers within the state. While the case was thus primarily a pure *intrastate* matter, it nevertheless, was involved in state relations. Under the interstate commerce act, the valuation of the property, the recapture of excessive earnings and the general level of interstate rates are all under the jurisdiction of the Interstate Commerce Commission. These are matters which, at least indirectly, control to a considerable extent the rates that can be charged for *intrastate* commutation. One of the opposing counsel, in fact, contended that the local commissions had no jurisdiction whatever; that they could not legally approve higher rates than those prevailing on railroads furnishing commutation services from other states to the city of New York.

There is also a jurisdictional problem between the two local commissions. It is conceivable that the Transit Commission may refuse to permit the increase in rates so far as the city of New York is concerned, while the Public Service Commission will authorize the increase for the territory served outside of the city of New York. Such a split decision would produce great confusion and would, of course, result in further litigation. It would be extremely difficult to maintain distinctly different levels of rates within and outside of the city of New York for the same general traffic.

Apart from jurisdiction there were four principal points of difference between the claims of the company and the city of New York. The latter attempted to show that the present rates are not only adequate to pay the operating expenses, taxes and the return on the property reasonably chargeable to the commutation business, but that in addition they furnish a profit of $2,000,000. The company, however, claimed that the present rates do not pay even the out-of-pocket costs, and contribute nothing toward the necessary return on the investment. The major points of dispute include (1) the range of maintenance expenses properly considered for the determination of rates, (2) the separation of operating expenses between freight and passenger service, (3) the separation of costs between commuters and other passengers, and (4) the valuation of the property. The city agreed that the commutation rates should be high enough to cover the full cost of the commutation service, including operating expenses, taxes and return properly chargeable to that service. It disagreed with the company as to the methods of determining the cost.

EXCESSIVE MAINTENANCE

The company based its case upon the results of 1925, taking the single year for all revenues, operating expenses, taxes and return on the

property. The city showed that this one year represented a much higher general level of maintenance expenses than had been incurred in any prior year, and was nearly $500,000 higher than 1926. It contended that the normal annual maintenance requirements should be used for the purpose of rate-making; that the amount should be based upon a reasonable average covering a period of years, not the expenses of any given year which might be exceptionally low or high. It took a six-year average, which included three years of exceptionally high costs and two years of rather low costs.

APPORTIONMENT BETWEEN FREIGHT AND PASSENGERS

After the determination of total costs properly to be considered for rate-making, the next step was to make a separation between the freight and passenger services. A large proportion of the operating expenses as well as the other elements that enter into the rates, are *jointly* incurred between the two departments. This applies to a large proportion of the maintenance of way and structures, also to a considerable amount of other operating expenses, to the great bulk of taxes, and to a large percentage of the return on the property. The company in general based its apportionment upon the rules laid down by the Interstate Commerce Commission for the separation of joint operating expenses between the two services. The ratios found by the application of these rules were then applied also for the apportionment of taxes and return upon the property.

The city objected to the Interstate Commerce Commission rules as applied to the particular case. It held that the rules had been formulated for general administrative purposes of ordinary steam railroads and that they would be wrongly applied for the purpose of cost determination in this case. It objected particularly to the use of the so-called "fuel and power" rule which had a wide scope in the company's cost analysis. Under this rule a large proportion of the common maintenance expenses are separated on the basis of the relative fuel and power costs charged to the two services. In the case of steam railroads this includes the cost of fuel only, but in the case of electric operation it includes the total cost of furnishing power for train propulsions. The city admitted that where the conditions of operation in freight and passenger service are alike, as in the ordinary steam railroad, this rule would be reasonable and could be properly used for the determination of cost. But in the case of the Long Island, it contended that the conditions are so dissimilar that the rule places a disproportionate amount of costs upon the passenger service and is thus vitiated as a method for the separation of costs for rate-making.

THE FUEL AND POWER RULE

The Long Island dissimilarity from the ordinary railroad appears in two principal respects. First, the freight business is conducted wholly by steam, while the passenger service is operated to a large extent by electricity and the commutation business almost wholly by electricity. Consequently under the "fuel and power" rule there would be included for freight only the cost of coal as delivered to the locomotive tender, while for passengers there would be included besides coal the cost of power-house operation, interest and taxes on power plant, and the cost of sub-station operation. There would thus be a great disparity of cost elements in the relative charges for the two services. In the second place, the passenger service is largely metropolitan, which involves frequent stops and rapid acceleration to high speed: this requires much greater consumption of power than would be needed relatively on an ordinary railroad with less frequent stops and more even operation. Both the difference in the mode of operation in the two services and the large metropolitan passenger service, distinguish the Long Island strikingly from the ordinary railroad. The two factors work together to place a larger proportion of fuel and power costs upon the passenger service than would be the case on an ordinary railroad with both departments operated by steam, and without a heavy metropolitan passenger service.

The city presented an extensive statistical study to support its contention that the rules do not properly apply to the Long Island and that the reasonable basis of apportioning the common expenses consists of the total direct expenses of the two services. It showed that normally the relative proportions under the fuel and power accounts are practically the same as for the total direct expenses. By following the fuel and power rule the company charged 86 per cent of the common elements based upon this rule to passengers, while the city on the total direct expense basis charged 65 per cent; a difference of 21 points.

APPORTIONMENT BETWEEN COMMUTERS AND REGULAR PASSENGERS

After the separation of costs between freight and passengers, the next logical step was the separation of costs between the commuters and the regular passengers. The company at first claimed that it is impossible to separate the costs between the different classes of passengers because the same facilities are used throughout the day by all classes. It contented itself, therefore, to show merely that the passenger service as a whole was not bringing a sufficient return and that, therefore, the commutation rates should be increased. Later, however, it modified its position and claimed that it costs just as much to carry a commuter as a regular passenger; it thus presented the average cost per passenger mile as the measure of the cost per commuter mile. By showing that the average cost as computed by it is greater than the existing commutation rates, it claimed to have proved that the existing rates are inadequate and the proposed rates are reasonable.

The city contended, however, that the average cost is not the proper measure of the commutation cost, but that an actual separation of costs between the commuters and regular passengers was necessary. It emphasized especially the much greater *density* of the commuter compared with the regular passenger traffic. It claimed that the greater density produced much lower unit costs per passenger or per passenger mile; that the unit costs based upon the particular service was the proper measure of commutation rates. It made a special traffic analysis and worked out an apportionment between the commuters and regular passengers on the basis of the relative density of traffic. This apportionment was applied not only to operating expenses and taxes, but also to the return upon the property. This is a new phase of cost analysis which had never been previously worked out in any commutation rate case.

THE FAIR VALUE OF THE PROPERTY

Perhaps the greatest point of disagreement between the city and the company appeared in the matter of valuation. The company made a valuation of its properties on the reproduction cost basis without any deduction for depreciation. It claimed that the property was in first-class operating condition and had, therefore, incurred no depreciation whatever. It admitted no depreciation even though the specific units of property were certain to be retired within a few years. It included cars at values ranging from $9,000 to $15,000 when units of the same general type had been sold within a year at $350 or less per car. The right of way was valued on the basis of adjoining and adjacent land value, and was thus based upon the tremendous increase in land values which had taken place in the metropolitan district during the past five years. The company also claimed large amounts for general expenditures and going concern value.

The city of New York opposed the company's entire theory of value and set up its rate base along the lines determined by the Interstate Commerce Commission in the recent St. Louis and O'Fallon case. It started with the valuation made by the Interstate Commerce Commission as of 1916, plus additions made since, less retirements, and less further accrued depreciation; with a 12 per cent addition for working capital and going value. On this basis the city's valuation was $127,500,000 compared with the company's $265,000,000. The city contended that the state commissions could not adopt as "fair value" for fixing the rates on a particular class of *intrastate* traffic a larger sum than the Interstate Commerce Commission would use as the basis of interstate rates or for the recapture of excess earnings under the Interstate Commerce Act. This is the first case, therefore, in which the recent decision of the Interstate Commerce Commission has been applied to *intrastate* rate-making.

Apart from following the Interstate Commerce Commission's principles and methods established for general rate-making purposes, the city attempted to show also that the sum of $127,500,000 was in fact adequate to treat fairly the investors in the property. It was sufficient to cover the $66,000,000 of bonds and interest bearing obligations and to leave $61,500,000 for the $34,000,000 of capital stock outstanding. Assuming that the capital stock represented actually a corresponding amount of investment, the city's valuation allowed an adjustment of 80 per cent for the higher present price level. This was offered as adequate to deal justly with the investors and to provide properly for the reproduction cost element in the determination of "fair value."

A special feature of the valuation involved the proper basis of valuing the right of way and other lands used for railroad purposes. The city objected especially to the adjacent land value method.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY RUSSELL FORBES

Secretary

Annual Meeting of Conference.—The annual meeting of the Conference will be held in New York City on November 9, 10 and 11 in connection with the annual meeting of the National Municipal League. Rooms for the meeting have been tentatively engaged in the Bar Association Building. The governing committee and the secretary are working on the program.

At the forenoon session on November 9 it is planned to ask the bureaus of municipal research to present written statements of their accomplishments during the past year and their plans for the coming year.

A luncheon meeting will be held on that day. The chairman and secretary will report, and any discussion not completed at the forenoon session will be continued.

For the afternoon session Francis Oakey of the firm of Oakey, Searle & Miller, accountants, has agreed to speak on "Fallacies and Foibles of the Research Movement." For this meeting also we plan a report on "Special Assessments" by Philip H. Cornick of the National Institute of Public Administration.

On Thursday, November 10, a round table is scheduled on the subject of "The Capital Budget." The round table will be in charge of C. E. Rightor, with discussion by A. E. Buck and other budget authorities. This round table will hold both forenoon and afternoon sessions.

On Friday November 11 we have tentatively scheduled a round table, with forenoon and afternoon sessions, on "State Supervision of Local Finance."

The National Municipal League is planning a round table session for Friday on "The Model Budget Law," which will be of interest to Conference members.

The Conference will probably have a dinner session on one evening and join on another evening with the National Municipal League at its annual banquet.

More definite plans for program and hotel accommodations will be announced by mail later. Members should reserve these dates and make plans to attend this annual meeting, which we hope will prove to be the high water mark in the history of the Conference.

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Buffalo Municipal Research Bureau.—Harry H. Freeman, director, recently addressed the Lions Club of Erie, Pa., on the organization and work of a municipal research bureau. A committee of the club is engaged in stimulating public opinion in favor of the establishment of a bureau or the making of a survey of the city government, or both.

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California Taxpayers' Association.—The Association has published a report on *School Bus Transportation*. The report is issued by the educational commission of the Association, but the text and accompanying forms were prepared by the research department in collaboration with school officials and transportation authorities. The report contains a recommended system of accounting with sample forms for bus drivers' daily report, shop work order, property register, tire record, and several other phases of the whole school bus transportation problem. It is a valuable contribution to the subject.

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Taxpayers' Research League of Delaware.—In an address before the State Bankers' Association on September 1, Russell Ramsey, director of the League, pointed out that there has been the amazing increase in the cost of the state government in the eleven years from 1915 to 1923 of more than $6,000,000. It was $848,000 in 1915 and $7,336,000 in 1925. This is an increase of from $4.04 to $31.39 per capita compared with the average increase in other states of from $3.03 to $14.34 during the same time.

Mr. Ramsey contended too large a surplus is being carried in both the general and the sinking fund accounts and intimated taxes could be reduced by decreasing these surpluses. He recommended more advanced forms for the budget system and a careful study of the entire financial system of the state.

As a result of the address, a committee of the Association was appointed to act with the League

in the study of the fiscal problems of the state government. Problems specifically enumerated in the resolution include accounting and reporting methods, budget procedure, accumulation of administrative surplus funds, sinking-fund policies, sources of revenue, taxation, equitable assessments, and debt policies. The purpose of this study as stated in the resolution of the Association is to formulate and propose in advance of the next session of the General Assembly a comprehensive and modern finance code for the state. The work of the League for the next few months will be mainly that of gathering and digesting information to serve as a basis for study by the committee of the Bankers' Association, and to draft a finance code for the state based on the conclusions reached jointly by the Association and the League.

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Detroit Bureau of Governmental Research.—The Bureau has completed a new audit of the special assessment sinking fund of Detroit and an examination of the collection procedure. The audit required mathematical calculations on many thousands of separate assessment rolls, but was necessary to determine the speed with which a deficit of nearly three-quarters of a million dollars was being reduced. Incidentally it was pointed out that delay in advertising special assessments was causing large losses in sinking fund earnings, a situation now substantially improved.

A report on the teachers' retirement fund has been submitted informally to the chairman of the pension committee for his criticisms. The study showed an actuarial deficit of about $8,000,000, which sum seems impracticable to make up. The Bureau, therefore, contented itself with recommending that moneys contributed by teachers and returnable to them on resignation be held intact, and that funds be made available to pay present pensioners until their death.

The Bureau has been coöperating with Police Commissioner William P. Rutledge of Detroit in a move for securing uniform comparable statistics of major crimes from all important cities. The International Association of Chiefs of Police has authorized the appointment of a committee to this end and a three-year program of work has been prepared.

Detroit sold on September 15 bonds in amount of $19,040,000. Through coöperation with the Bureau the term of school and library bonds totaling $4,500,000 has been reduced from 30-year term bonds to 30-year serials and now to 25-year serials. It is hoped that this is a step towards an eventual pay-as-you-go plan for schools.

At the request of county employees, the Bureau drafted a county civil service proposal which was substituted for several measures then before the state legislature at the recent session. The substitute measure which was passed embodies in many respects the best modern ideas on merit legislation.

As members of a committee of the Board of Commerce, staff members of the Bureau joined in a thorough investigation of the conditions under which the city was to allow an international bridge to be built. It is believed that some modification of terms resulted, but many informed citizens still feel that the city relinquished certain rights that should have been retained.

Following the preparation of bonded debt data for 214 cities as of January 1, 1927, published in the National Municipal Review for May, the Bureau is now making its usual collection of tax rates and assessment ratios for these same cities.

Staff members have recently made field studies on assessing and debt in Buffalo for the Bureau of Municipal Research; on public works and finance in Miami and Coral Gables, Florida, for Gaylord C. Cummin, in charge of a survey; and of road financing for the Taxpayers' Association of St. Louis County (Duluth), Minnesota.

Recent Bureau publicity covers *The Preparation of a Long-Term Financial Program* by C. E. Rightor, published by Municipal Administration Service; "Are We Spending Too Much for Government?" by Lent D. Upson in the National Municipal Review; and "The Cost of Government in Detroit" and "The Bonded Debt of Detroit" issued as *Public Business*, Nos. 111 and 112.

W. D. S. Negovetich, for many years with the Bureau, but for some months on sick leave, died in Clearwater, Florida, on August 12. Mr. Negovetich was educated in the universities of Vienna and Gratz, and had an interesting career with the French Panama Canal Company and as a miner and merchant in Mexico. He became an accountant for the Bureau in 1917, after the Mexican revolution made further trading activities impossible.

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Taxpayers' League of St. Louis County (Duluth).—The study of county affairs continues to be the most important assignment. Two bulletins published on August 3 and August 30,

respectively, covered some of the work, but the chief efforts have been devoted to the accumulation of evidence for the grand jury investigation which will begin September 6. The services of special accountants were required in this work for a few days. The county attorney's office has taken hold of this matter in a pleasing manner and the League is coöperating with the attorney in every way.

The League employed the services of C. E. Rightor, chief accountant of the Detroit Bureau of Governmental Research, to survey the present accounting procedure in the county road and bridge fund and to suggest certain steps that can immediately be taken toward improvement. The staff of the League has been so close to this problem for such a long period that a proper perspective was almost impossible. Mr. Rightor's report will be mailed to the directors within the next few days. It is believed that many of his recommendations can be put into immediate effect through the coöperation of the county auditor.

The classification of civil service positions in the library service has been completed and is now awaiting the approval of the civil service commission.

A study of hospital costs and the results attained in other cities with part pay and part free hospitalization has been begun for Mayor Snively, who will soon announce a citizen's committee to handle the Miller Hospital Fund.

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Municipal Reference Bureau, the University of Kansas.—Orin F. Nolting, formerly secretary of the Bureau, is doing graduate work at Syracuse University, where he holds a fellowship in public administration in the School of Citizenship and Public Affairs.

The Bureau has recently compiled a list of 140 colleges and universities offering courses in municipal subjects together with the name of the instructor and the name of the course.

In coöperation with the Bureau for Research in Municipal Government of Harvard University, the Bureau is preparing a report on the organization and activities of the twenty university bureaus of municipal research in the United States.

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National Institute of Public Administration, New York.—Work is in progress on the report for the Joint Committee on Taxation and Retrenchment of the New York State Legislature. The report is to be a study of the fiscal relations of city governments and city school authorities. It will be carried out by the Committee in coöperation with W. P. Capes of the New York State Bureau of Municipal Information and with the New York State Department of Education.

On the invitation of the American-Yugo-Slav Society, the National Institute of Public Administration is sending Dr. Charles A. Beard to Yugo-Slavia this coming winter to make a study of the government administration of that country.

Francis Oakey of the firm of Searle, Oakey and Miller of New York has been appointed by the Governor of Virginia to devise the new accounting system for the state in accordance with the recommendations in the survey made this year by the Institute.

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The Ohio Institute.—The Ohio Institute is undertaking a study of financial school statistics for the Ohio State Teachers' Association.

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Philadelphia Bureau of Municipal Research.—The Philadelphia Bureau announces the addition to its professional staff of Gustav Peck, who will do work in public finance. Mr. Peck is a graduate of Columbia College and has done graduate work in economics at Columbia University, and at the Robert Brookings School in Washington. Before completing his graduate work Mr. Peck had been employed by the New York Telephone Company in the department of commercial engineering and had also been an assistant professor of economics at the University of South Dakota.

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St. Paul Bureau of Municipal Research.—In August the Bureau issued a report on the Ramsey County road and bridge fund. In this report the Bureau recommended a four-year road building program and further recommended that the annual appropriation be kept within a definite settled figure.

A report was also made on a proposed bond issue. The St. Paul council is submitting a $3,925,000 bond program. After analyzing all of the issues, the Bureau recommended to the people that all of the proposals be defeated at the polls. This organization further pledged itself to coöperate in the preparation of a definite coördinated improvement program.

A letter to the County Board, asking it to reject all bids on a county road, to return the bids unopened, and to readvertize the project because the officials had failed to include concrete as one of the types of road material to be bid upon, was adopted as the Board's final decision.

NOTES AND EVENTS

EDITED BY RUSSELL FORBES

The New Buffalo Charter.—On August 29 Buffalo voted to abandon its commission charter in effect since 1916 and to install in its place a new strong-mayor charter. The total vote was 53,041; 32,079 for and 20,962 against the new charter, only about one-third of the eligible list voting.

The new government will consist of a mayor and fifteen councilmen. Six are to be elected at large and nine from districts. The mayor with the consent of the council will appoint all heads of administrative departments. The new charter brings back partisan elections.

In adopting the new charter Buffalo took advantage of the home rule constitutional amendment and exercised the power given it therein.

The charter revision committee in submitting the new charter said that "It contains so many limitations of power, so many checks on the misuse of power that only downright dishonesty of the public officials called upon to administer can mar its operation." Would it were possible to draft such a charter—proof against all inefficiency and mismanagement and marred only by pure dishonesty!

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American Legislators Association.—To increase the efficiency of the legislative bodies of the United States is the aim of the American Legislators' Association which is allied with the American Bar Association and met on the days immediately preceding the latter's recent convention in Buffalo.

The chairman of the association presented the outline of a very elaborate plan for improving legislative bodies. He listed six main objectives as follows: (1) a central office to act as the clearing house for legislative reference bureaus; (2) the central office to be able to refer all legislators or legislative reference bureaus to a source offering the desired information; (3) publication of a periodical; (4) holding an annual meeting of legislators; (5) holding a meeting of representatives from all legislatures to consider proposals of the commissioners on uniform state laws; (6) appointing committees to deal with important legislative subjects. However, the chairman admitted the wisdom of beginning on a smaller scale and proposed during the coming year that the association act as a committee of the whole and attempt to formulate a few principles tending to increase legislative efficiency.

⚜

Union of Saskatchewan Municipalities.—The twenty-second annual convention of the Union of Saskatchewan Municipalities was held June 22. Among the problems considered were the gasoline tax, care of the sick and indigent, training for municipal service, construction and maintenance of roads, the fields of taxation and division of administrative responsibility.

⚜

Scoring Fifty-Seven Cities in New York State.—In a recent article in the *American Journal of Public Health*, Huntington Williams, district state officer of the state health department of New York, discusses the recent scoring of New York cities. Since December, 1918, all the cities in New York state except New York, Buffalo and Rochester have been scored periodically by Dr. Charles C. Duryee, consultant in city health administration in the state department of health. From February, 1925, to March, 1926, fifty-seven second and third class cities were visited and scored. The main object was to stimulate city officials by calling attention to necessary activities and by arousing competition. Two forms were used in scoring the fifty-seven cities; one for cities over 25,000 and one for those less than 25,000. As a rule, the greater the expenditure was found to be, the higher the score. The scoring has resulted in some cases in increased appropriations, the adoption of important milk ordinances, the adoption of generalized public health nursing services, the chlorination of the water supply, improvements in communicable disease investigation and in local laboratory facilities, the establishment of venereal disease clinics, and the encouragement of city health officers in improvements in administration which have proved successful elsewhere.

⚜

Recent Legislation in Illinois.—The legislature of Illinois which adjourned in June passed some laws that are of special interest. *A gasoline tax law* was enacted that imposes a two-cent tax on

each gallon of gasoline, one-half of which is to go into the state road fund for the county in which it was collected, to be used for road construction.

A new state primary act remedies certain defects in the old law that were pointed out by the Illinois Supreme Court and eliminates ward committee-men in Chicago.

Excess condemnation of property taken for public improvements was legalized. Several laws were passed that will make for *higher taxes.* One provided that property in Chicago is to be taxed hereafter at its full value instead of one-half of its value. This means that the bonding power of the city will be doubled.

*

Popular City Manager of Durham, N. C. Resigns.—The city manager in Durham, N. C., after a most successful administration, has taken a novel step and has sent the following communication to the city council:

To the Council Members,
Durham, N. C.
GENTLEMEN:

After thorough consideration I propose to terminate my services with the City of Durham next year. It is my hope that the time of finishing certain incomplete work will make it possible to resign not later than the end of the present fiscal year, May 31, 1928.

Since I have come to this conclusion I see no good reason why those interested should be kept in ignorance of my intentions. Also to forestall any erroneous inferences it seems fair to state definitely that my conclusions in this matter are based upon my desire to promote the best interests of the council-manager form of government and the city manager profession and to further demonstrate that both are democratic in every sense of the word.

It was my good fortune to be chosen as the first city manager of Durham in June, 1921. It has been an inspiration during the past six years to work with interested council members in establishing modern, business government in this city. The results speak for themselves. It will be my pleasure before many months have passed to give place to another city manager.

Yours respectfully,
R. W. RIGSBY,
City Manager.

Mr. Rigsby feels that citizens in America prefer to choose a new executive after a limited number of years of service. He calls it "American tradition or custom" so he is giving the voters of Durham a chance to elect another city manager and he does not expect to be a candidate. Do the citizens of America prefer a change in office to the certainty of an efficient administrator? Mr. Rigsby seems to think that they do.

Crime in New York.—Statistics show that the number of violent crimes in New York has greatly decreased during the past year. Raymond F. C. Kieb, commissioner of corrections, attributed this decrease to a greater number of policemen, more rigorous prosecution and speedier trial of persons charged with crimes, and the operation of the Baumes Law.

*

Montreal Typhoid Epidemic Traced to Milk Contamination.—Between March 1 and June 30 of this year, 4,755 cases and 453 deaths from typhoid fever were reported in Montreal. This epidemic, in proportion to population, is probably greater than that suffered by any other large city in the twentieth century.

The U. S. Public Health Service appointed an investigating board to determine if possible the cause for the typhoid outbreak. The board made a study of "(1) the typhoid records of the city of Montreal and other parts of the Province of Quebec for the period January 1 to June 18, 1927, and for previous years; (2) survey of the city water supply and sewerage system; (3) inspection of milk plants in the city and of milk receiving stations and dairy farms in the surrounding country; (4) collection by personal interview of detailed epidemiological histories of 203 cases selected so as to be fairly representative of all the cases occurring in the whole epidemic period; and (5) consideration of the adequacy of the locally operating health forces to cope with the situation."

The recent report of the board placed responsibility on the milk supplied by the Montreal Dairy Company, and completely absolved water and sewage which were thought at first to be responsible.

*

Annual Convention of Canadian Tax Conference and Canadian Civil Service Research Conference.—The annual meeting of these conferences will be held in Toronto, Ontario, on October 13 and 14. The program on the first day will be held jointly with the National Tax Association (of the U. S. A.) which meets this year in Toronto, October 10 to 14.

An interesting program has been arranged which is in part as follows:

The Taxation of Mines and Mineral Properties.
Forest Preservation and Its Relation to Public Revenue and Taxation, by Fred R. Fairchild, Forest Taxation Economist, United States Forest Service.

Reciprocity in Inheritance Taxation, by Hon. Senator Franklin S. Edmonds, Chairman of the National Tax Association Committee on the subject.
Changes in Canadian Business Taxation During 1925–1926, by Hugh Macdonald, Solicitor, Canadian Manufacturers Association, Toronto.
Municipal Capital Financing, by George H. Ross, Commissioner of Finance, Toronto.
Some Phases of Civil Service Administration in Saskatchewan, by P. G. Ward, Provincial Civil Service Commissioner, Saskatchewan.
Municipal Civil Service Administration, by Harrington Place, Engineer, Detroit Bureau of Governmental Research.

*

State and Local Taxation.—Inspired by the recent report of the National Industrial Conference Board on comparative tax rates, *the Christian Science Monitor* made a comprehensive nation-wide survey. State and local taxation in each of the forty-eight states was discussed in a series of articles which appeared daily from July 12 to 28.

*

Publication on Local Government to be Issued in England.—The London County Council, the Association of Municipal Corporations, and the Rural District Councils Association, having affiliated themselves to the International Union of Local Authorities, which has its centre at Brussels, have formed a standing committee for England and Wales of representatives of the three bodies mentioned. The chairman of the committee is Councillor W. F. Marchant, O. B. E., L. C. C., and the secretary (by permission of the Minister of Health) is Mr. G. Montagu Harris, O. B. E., Ministry of Health, Whitehall, London.

The function of the standing committee will be to act as the intermediary between the local authorities in England and the international centre at Brussels, for the purpose of exchange of information on matters connected with local government. The committee has obtained the cordial support of the secretaries of the various technical organizations concerned with the different spheres of municipal activity and this will greatly assist them in collecting information as to developments in this country, which are likely to be of international interest. It is proposed to disseminate the information received from abroad, mainly by the publication of a periodical to be called *Local Government Abroad*, the first issue of which will appear soon.

The committee is also arranging for the representation of local authorities in England and Wales at the International Congress of Local Authorities, which is to be held at Seville in October, 1928, in connection with the Spanish-American Exhibition.